

Minute of Meeting

Planning Committee
Tuesday, 10 September 2024
Item 4.1



Planning Committee

| Date | Time | Venue |
|---------------------|-------|----------------------------------------------|
| Tuesday 4 June 2024 | 13:00 | Council Chambers, Midlothian House/Hybrid |

Present:

| | |
|------------------------------|--------------------------------|
| Councillor Alexander | Councillor McManus (virtual) |
| Councillor Bowen | Councillor Milligan |
| Councillor Cassidy (virtual) | Councillor Parry (virtual) |
| Councillor Curran | Councillor Pottinger (virtual) |
| Councillor Imrie (Chair) | Councillor Russell ? |
| Councillor Drummond | Councillor Scott |
| Councillor McEwan | Councillor Virgo |
| Councillor McKenzie | Councillor Winchester |

In Attendance:

| | |
|----------------|-----------------------------------------------------|
| Derek Oliver | Chief Officer Place |
| Peter Arnsdorf | Planning, Sustainable Growth and Investment Manager |
| Kevin Anderson | Executive Director Place |
| Alan Turpie | Principal Solicitor |
| Hannah Forbes | Assistant Democratic Services Officer |

1. Welcome, Introduction and Apologies

The Chair welcomed everyone to the meeting of the Planning Committee.

2. Order of Business

As per the Agenda.

The Chair stated that those members that did not participate in stage 1 and 2 regarding items 5.8 and 5.9 cannot participate in the discussion today.

Councillor Winchester enquired when this decision was made and will this be relevant to all large future applications.

The Chair explained that due to the size of the application it was a 3 stage process, stage 1 was the site visit, stage 2 was a pre-determination meeting to go over all relevant evidence and today we are now at stage 3 of this process.

The Chair also advised that it was for this application only due to its national significance.

3. Declarations of interest

Councillor Scott made a declaration of transparency in relation to Item 5.6 but would remain for this item. Also a declaration of transparency in relation to Items 5.8 and 5.9 and would leave that meeting at these items.,

Councillor Smail made a declaration of transparency in relation to North Middleton noting that his wife's position on the community council and would take part in this discussion.

4. Minutes of Previous Meetings

4.1 The Minute of the Planning Committee Meeting of 30 April 2024 was submitted and approved as a correct record.

4.2 The Minute of the Special Planning Committee Meeting of 21 May 2024 was submitted and approved as a correct record.

4.3 Action Log

Councillor Virgo wanted to express his disappointment and wanted it noted that when raised his hand to follow up on Cllr Winchesters point that he was ignored. Councillor Virgo then expressed that members were informed at stage 2 of the 3 stage process that they would not be able to engage in the third stage and questioned the decision that was made of the 3 stage process.

5. Reports

| Agenda No | Report Title | Submitted by: |
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| 5.1 | MLDP2 Evidence Report and Local Housing Land Requirement | Chief Officer Place |
| Outline of Report and Summary of Discussion | | |
| <p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report was to present the Committee with a copy of the Midlothian Local Development Plan 2 (MLDP2) Evidence Report (Appendix A) and associated Participation Report (Appendix B), the Children and Young People Participation Report (Appendix C) and information on the next stages of the preparation of MLDP2, including the 'Gate Check' (validation of information to base MLDP2) process by Scottish Ministers of the Evidence Report and its accompanying documents. The local development plan regulations require approval of the Evidence Report to be taken by full Council.</p> <p>The report sets out the decisions regarding the next steps, i.e. the submission of the MLDP2 Evidence Report for Gate Check, will be required by Council at its meeting of 25 June 2024. The report also outlines the expectation that the Evidence Report submitted for Gate Check will contain an indicative Local Housing Land Requirement (LHLR) for MLDP2. The report concludes by informing the Committee of a 'Call for Ideas' exercise for MLDP2 that will be undertaken between July and October 2024.</p> <p>At its meeting of 28 February 2023 the Committee commencement the review of the adopted Midlothian Local Development Plan (2017) (MLDP). Its replacement, MLDP2, is timetabled for adoption in late 2026. MLDP2 will be required to cover a 10-year period and therefore its lifespan is expected to be 2026-2036.</p> <p>It is recommended that the Committee:</p> <ul style="list-style-type: none">a) Notes the content of the report including the Evidence Report (Appendix A), the Participation Report (Appendix B) and the Children and Young People Participation Report (Appendix c);b) Note that Council, at its meeting of 25 June 2024, will be requested to approve the Evidence Report and associated documents for submission to Scottish Ministers for "Gate Check"; andc) Set the Local Housing Land Requirement (LHLR) at the additional generosity (9001-11,000) level subject to those criteria set out in paragraph 4.15 of this report (and any additional criteria elected members wish to add through the preparation of the proposed plan process). If the stated criteria are not met the LHLR shall be set at 8,850 – 9,000 In line with the NPF4 MATHLR target. <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.</p> | | |

There was a lengthy discussion regarding the infrastructure and that the Council cannot keep up with the demand for infrastructure with the vast building of houses in Midlothian. It was also mentioned that Midlothian have been advised by the Scottish Government to have a higher increase of house building and have still not met the target. In discussing the matter, it was queried if it was possible to not build above the limit that was already set with no push back from the Scottish Government, the Chief Officer place agreed that this was possible.

The Planning Sustainable Growth and Investment Manger provided an explanation with regards to the greenbelt and noted the comments made by Members.

The discussion then moved on to the conditions of the roads and road bonds in Midlothian with specific mention to Sherrifhall. Certain members of the committee that visited the area were appalled by the conditions. There was concern regarding the stability of the monoblock that was being used in new developments. The Chief Officer place agreed that they would bring back a report on this matter.

The committee then moved to making a decision on the report, the chair then opened to the chamber for comments.

A Motion was moved by Councillor Milligan for no additional housing land in this plan that is not already in the current housing plan at this time, seconded by Councillor Smaill.

The Chair moved an amendment for first setting, having inbuilt flexibility, seconded by Councillor McKenzie.

On a vote being taken 8 voted for the Motion and 9 for the Amendment, the Amendment then became the decision of the Committee.

Decision

The recommendations as detailed in the report were approved.

Action

A report to be brought back from the Chief Officer place in relation to the conditions on the roads and road bonds in Midlothian.

| Agenda No | Report Title | Submitted by: |
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| 5.2 | MLDP2 – Local Place Plans for Validation and Registration | Chief Officer Place |
| Outline of Report and Summary of Discussion | | |
| <p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of the report was to seek the Committee’s agreement to validate and register eight finalised Local Place Plans which have been prepared and submitted to the Council by Midlothian community groups (all community councils).</p> | | |

The Committee is also requested to note the content of two draft Local Place Plans (LPPs), one prepared by the Penicuik and District Community Council and the second by the Loanhead and District Community Council. Furthermore, while no LPP has been prepared by Tynewater Community Council or Moorfoot Community Council, however engagement has been undertaken by these community councils and their comments should be noted.

At its meeting of 28 February 2023 the Committee authorised invitations to be issued to Midlothian's local community groups to prepare LPPs which would help inform production of the Midlothian Local Development Plan 2 (MLDP2). Invitations were then subsequently sent on 9 March 2023 (and followed up with correspondence on 26 May, 8 August, and 23 November 2023) to Midlothian Community Councils, Midlothian Community Development Trusts and Midlothian Faith Groups. This invitation was issued in accordance section 15 A(a) of the Town and Country Planning (Scotland) Act 1997, as modified by the Planning (Scotland) Act 2019.

It is recommended that the Committee:

- (a) notes the content of the eight submitted final Local Place Plans identified in this report (Appendix B) and agrees to their validation and registration;
- (b) notes the content of the draft Local Place Plans which were submitted by Penicuik and District Community Council and Loanhead and District Community Council; and the Local Place Plan engagement undertaken by Tynewater Community Council and Moorfoot Community Council;
- (c) instruct the Planning, Sustainable Growth and Investment Manager to publish the Local Place Plans in accordance with the requirements of the regulations (to be available online and at Council offices in map and word format); and
- (d) notes that the Local Place Plans, the draft Local Place Plans and records of associated engagement will be taken into account in the preparation of Midlothian Local Development Plan 2.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.

There were no comments from the Committee.

Decision

The recommendations as detailed were approved unanimously.

Action

Planning, Sustainable Growth and Investment Manager

| Agenda No | Report Title | Submitted by: |
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| 5.3 | Planning Obligations Annual Update | Chief Officer Place |
| Outline of Report and Summary of Discussion | | |
| <p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report was to provide an annual update on developer contributions. The Planning (Scotland) Act 2019 requires local planning authorities to publish annual details of planning obligations that have been secured. Section 36(5) sets out what the report is to cover, including:</p> <ul style="list-style-type: none"> (a) the number of planning obligations that are – <ul style="list-style-type: none"> a - entered into in that year; b - entered into in a previous year and not yet expired; and c - entered into in a previous year and not complied with. (b) the development to which each planning obligations relates, and (c) the name of the person that has entered into the planning obligation <p>It is recommended that the Committee:</p> <ul style="list-style-type: none"> i) note the information set out in the report and attached appendices; and ii) receive an annual report setting out the level of developer contributions secured by planning obligations and the sum of developer contributions recovered within the reporting financial year. <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.</p> <p>A question was raised by a member of the committee with regards to the developer contributions on a sliding scale depending on the size of the development. The Planning, Sustainable Growth and Investment Manager explained that the more units that are build the more there is to pay. The impact of larger developments is greater, so we need additional contribution.</p> <p>In responding to a further question raised with regards to the fact that some sites have primary schools and some do not - The Planning, Sustainable Growth and Investment Manager advised that it was based on what infrastructure is required to be delivered to meet the impact and further clarification was given on where the money goes with regards to community facilities.</p> | | |
| Decision | | |
| The Committee noted the recommendations as detailed in the report. | | |
| Action | | |
| The Planning, Sustainable Growth and Investment Manager | | |

| Agenda No | Report Title | Submitted by: |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 5.4 | 23/00599/DPP – Application for the demolition of existing school and the erection of community campus comprising of primary school and nursery, formation of sports pitches, roads and car parking and associated works at the site of the Mayfield Primary School, Stone Avenue, Mayfield | Chief Officer Place |

Outline of Report and Summary of Discussion

The Planning, Sustainable Growth and Investment Manager presented the report. The application was for the demolition of existing school and the erection of community campus comprising of primary school and nursery, formation of sports pitches, roads and car parking and associated works at the site of the Mayfield Primary School, Stone Avenue, Mayfield.

The recommendation is to grant planning permission for the following reasons subject to the conditions as detailed in the report.

The site is located within the settlement boundary of Mayfield 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.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.

A question was presented, that the 3G football Pitch would be part of the Midlothian Council Football strategy and that it would be available for public use. The Chief Officer place in responding confirmed that it would meet the needs of the community for Football pitch requirements. In responding to a further question in relation to drop off locations for children, the Planning, Sustainable Growth and Investment Manager advised that there would be two access points and a drop off car park.

Decision

The recommendations were approved unanimously.

Action

The Planning, Sustainable Growth and Investment Manager

| Agenda No | Report Title | Submitted by: |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 5.5 | 24/00148/DPP - Application for the formation of a site access, remediation works and installation of utilities and drainage infrastructure at the site of the former Monktonhall Colliery | Chief Officer Place |

Outline of Report and Summary of Discussion

The Planning, Sustainable Growth and Investment Manager presented the report. The application was for the formation of a site access, remediation works and installation of utilities and drainage infrastructure at the site of the former Monktonhall Colliery. The site forms part of the Shawfair new settlement.

The recommendation is to grant planning permission for the following reasons subject to the conditions as detailed in the report.

The proposed development site is an integral part of a committed development site as allocated in the Midlothian Local Development Plan 2017. The proposed development would remediate a brownfield site ensuring that it is decontaminated and stabilised, which will thereby enable it to be brought in use in accordance with the Shawfair Masterplan and Midlothian Local Development Plan 2017. The distance of the site from existing dwellinghouses and the nature of the proposed operations would not give rise to an unacceptable impact on amenity. The presumption for development is not outweighed by any other material considerations. As such the proposed development complies with policies STRAT1 and ENV16 of the Midlothian Local Development Plan and Policy 9 of the National Planning Framework 4.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.

The discussion began with members of the committee expressing their concerns for the site and its safety. A cause of concern that was identified was in the report mentions that 11 mine shafts were located on the site and only 7 have been identified. It was also stated as a matter of concern the combustible soil 1 meter deep on the site. The Planning, Sustainable Growth and Investment Manager explained that there has been site investigation to identify the mine shafts and the Coal Authority are recognising that this was based on an earlier map that their records were not correct.

The Planning, Sustainable Growth and Investment Manager reinforced the point that the ownership of the site was being transferred to the council for its education ambitions, but that was subject to a separate agreement, that the developer carries out the appropriate remediation as part of their responsibilities.

The Chair advised the committee that this report was for approval and that the remediation work is complete.

Decision

The recommendations were approved unanimously.

Action

The Planning, Sustainable Growth and Investment Manager

| Agenda No | Report Title | Submitted by: |
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| 5.6 | 24/00107/DPP – Application for change of use from children’s nursery (class 10) to office and ancillary support centre (class 4) at 3 Eskview Villas, Dalkeith | Chief Officer Place |
| Outline of Report and Summary of Discussion | | |
| <p>The Planning, Sustainable Growth and Investment Manager presented the report. The application was for the change of use from children’s nursery (class 10) to office and ancillary support centre (class 4) at 3 Eskview Villas, Dalkeith. The site is located within the Eskbank and Ironmills Conservation Area.</p> <p>The recommendation is to grant planning permission for the following reasons subject to the conditions as detailed in the report.</p> <p>The proposed use by nature of its scale of operations is less intensive than the existing use and therefore will not have a detrimental impact on the character and amenity of the surrounding area. The proposal seeks to re-use a vacant commercial building which is within the built-up area of Dalkeith, where there is a presumption in favour of appropriate development and is in close proximity to public transport provision and active travel connections. Therefore, the proposed development complies with the relevant policies of the National Planning Framework 4 and the Midlothian Local Development Plan 2017.</p> <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.</p> <p>Councillor Mckenzie declared a note of transparency that this item was in his ward and the constituents and complainants are known to him as are Women’s Aid, he further advised that it was also discussed at the community council but no opinions were expressed by any Councillors attending.</p> <p>It was then noted that Women’s aid has been within Dalkeith for a number of years and the service they provide to some of the most vulnerable members of society is valued. It was stated that there has been concerns raised by local community and to make sure their concerns are heard he called this in as the ward Councillor.</p> <p>The chair then moved to ask the committee if they were happy to agree to the recommendations.</p> | | |
| Decision | | |
| The recommendations were approved unanimously. | | |
| Action | | |
| The Planning, Sustainable Growth and Investment Manager | | |

| Agenda No | Report Title | Submitted by: |
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| 5.7 | APPLICATION FOR PLANNING PERMISSION 24/00176/DPP FOR THE ERECTION OF DWELLINGHOUSE AND ASSOCIATED WORKS ON LAND AT 4 FALA VILLAGE, PATHHEAD | Chief Officer Place |
| Outline of Report and Summary of Discussion | | |
| <p>The Planning, Sustainable Growth and Investment Manager presented the report. The planning application was for the erection of a single dwellinghouse on land at 4 Fala Village, Pathhead. The site is located within the Fala Conservation Area.</p> <p>The recommendation is to grant planning permission for the following reasons subject to the conditions as detailed in the report.</p> <p>The proposed dwellinghouse is located within the built-up area of Fala Village where there is a presumption in favour of appropriate development. Furthermore, by means of its scale, orientation and design it will complement the character and appearance of the Fala Conservation Area and will not have a detrimental impact on the residential amenity of the area nor raise any road safety concerns and as such complies with the relevant policies of National Planning Framework 4 and of the Midlothian Local Development Plan 2017.</p> <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.</p> <p>Councillor Smail advised on the background that a very concerned neighbour had made several representations and that it was believed they were taken into account by the planning officer and that it was called in as only a few days remained before it was too late but the individual in question has not progressed the complaint into the formal representations on the planning website so he was content for this to proceed.</p> <p>The Chair then confirmed with the committee that they were in agreement to grant the planning permission.</p> | | |
| Decision | | |
| The Planning Permission was granted for the reasons stated subject to the conditions as detailed in the report. | | |
| Action | | |
| The Planning, Sustainable Growth and Investment Manager | | |

The Chair thanked Councillors for their attendance and that the Councillors on the committee that did not attend the First 2 stages of the process for this application were excused from the Council Chamber.

Councillors Virgo, Smail, Scott left the meeting prior the following items being discussed.

| Agenda No | Report Title | Submitted by: |
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| 5.8 | 23/00595/DPP - Application for the formation of recycling facility and waste transfer station; continuation of landfill operations and associated works for a 17-year time period at the former Middleton Limeworks Quarry | Chief Officer Place |
| Outline of Report and Summary of Discussion | | |
| <p>The Planning, Sustainable Growth and Investment Manager presented the report. The application is for the formation of recycling facility and waste transfer station; continuation of landfill operations and associated works for a 17-year time period at the former Middleton Limeworks Quarry, Middleton, Gorebridge.</p> <p>The recommendation is to grant planning permission subject to the conditions as detailed in the report.</p> <p>It is recommended that subject to no objection being received from The Coal Authority and the updated Preliminary Ecological Appraisal Report not raising any additional issues planning permission be granted for the following reason:</p> <p>Whilst consideration is given to the countryside location, the planning history and compliance with the principles of the waste hierarchy outweigh any temporary impacts upon the countryside. The proposed development does not have adverse environmental impacts subject to detailed/technical matters being agreed/secured by condition. The proposed development accords with the Midlothian Local Development Plan and National Planning Framework 4.</p> <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.</p> <p>The Committee passed their thanks to the Planning, Sustainable Growth and Investment Manager for organising the site visit and expressed how informative and seeing the plant in use. It was raised by a member of the committee that the community council had objections one being the footpath and the safety of the footpath and wanted to put forward an amendment for a safe footpath to the application. The Planning Sustainable Growth Manager explained that the applicant does not own the land, they are willing to do so, however there are complications on land ownership and it would need looked into. Another comment was raised that there are major concerns from the local residents, it was questioned how the conditions to the report would be monitored. The Planning Sustainable Growth and Investment Manager advised that there are enforcement powers available to the council to secure that the site is run well and managed appropriately. The Chief Officer Place stated that this is under the pollution prevention control regulation and that there will also be a regulator on this site.</p> <p>Another comment was raised in relation to the monitoring of the site and it was asked that a report to come back to the elected members periodically to inform them on the monitoring of the site.</p> | | |

The Chair advised that the applicant had already stated they were happy to set up a liaison committee between the operator and the community council. It was then mentioned that if the applicant listens back to this recording, they will understand that this is something that elected members want to see. The Chief Officer Place agreed and advised that the onus was on the operator to monitor and evidence how they are operating.

It was also noted that the Operator had agreed to upkeep the road to a decent standard. It was further raised that the amendment put forward by Councillor Pottinger regarding the footpath and if this was put in as a condition it would effectively stop the whole application if the land owner decides not to sell the land.

The Chair advised that the Planning Sustainable Growth and Investment Manager had explained the conditions in relation to the footpath that the applicant is happy to get the land and complete the footpath but if they were unable, it would not stop this going ahead. The Planning, Sustainable Growth and Investment Manager confirmed that the council would work with the Operator and the local community with regards to this footpath but this condition would not stop this going forward

The chair asked the committee for approval on the report with the following comments made by elected members.

Decision

The Planning Permission was granted for the reasons stated subject to the conditions as detailed in the report taking into account the comments made by Members of the Committee

Action

The Planning, Sustainable Growth and Investment Manager

| Agenda No | Report Title | Submitted by: |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 5.9 | 23/00773/S42 – Section 42 to amend the wording of conditions 1 and 6 attached to the grant of planning permission 22/00546/S42 for the infilling and restoration of the former Middleton Limeworks Quarry to extend the duration of the temporary planning permission and the subsequent landscaping maintenance to reflect the potentially revised expiration date of the planning permission – from 31 March 2024 to 31 March 2026 | Chief Officer Place |
| Outline of Report and Summary of Discussion | | |
| The Planning, Sustainable Growth and Investment Manager presented the report. This application seeks to amend the wording of conditions 1 and 6 attached to the grant of planning permission 22/00546/S42 to extend the duration of the temporary planning permission again and to also extend the timescales for the subsequent landscaping maintenance to reflect the potentially revised expiration date of the planning permission. At its meeting on 17 November 2015 the Committee granted | | |

planning permission for the infilling and restoration of the former Middleton Limeworks Quarry (15/00503/DPP). Subsequently, at its meeting of 10 January 2022 the Committee granted a section 42 application (22/00546/S42) which sought to amend the wording of conditions 1 and 3 attached to the grant of planning permission 15/00503/DPP to extend the duration of the temporary planning permission and to allow the acceptance of non-hazardous waste as an infill material.

The recommendation is to grant planning permission for the following reasons subject to the conditions as detailed in the report.

The proposed amendments to two conditions do not fundamentally change the development which is being implemented under a previous grant of planning permission. The proposed development does not have adverse environmental impacts subject to detailed/technical matters being agreed/secured by condition. This presumption in favour of development is not outweighed by any other material considerations. The proposed development accords with the Midlothian Local Development Plan (2017) or NPF4.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.

There were no questions from the committee, the chair then asked for agreement on the paper subject to the conditions.

Decision

The Planning Permission was granted for the reasons stated subject to the conditions as detailed in the report.

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, 10 September 2024 at 1:00 pm.

The meeting terminated at 13:43 pm.