

Minute of Meeting

Planning Committee
Tuesday, 30 April 2024
Item 4.1



Planning Committee

Date	Time	Venue
Tuesday 12 March 2024	13:00	Council Chambers, Midlothian House/Hybrid

Present:

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

In Attendance:

Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Kevin Anderson	Executive Director Place
Lucy Roddie	Democratic Services Officer
Hannah Forbes	Assistant Democratic Services Officer

1. Apologies

Apologies were received from Councillor Smaill.

2. Order of Business

The Democratic Services Officer advised the Committee that Item 5.10 had been withdrawn.

3. Declarations of interest

Councillor Scott made a declaration of interest in relation to Item 5.6 and would leave the Chamber for the discussion.

4. Minutes of Previous Meetings

4.1 The minute of the meeting of 28 November 2023 was submitted and approved as a correct record. Moved by Councillor Parry, seconded by Councillor Cassidy.

4.2 The minute of the meeting of 23 January 2024 was submitted and approved as a correct record. Moved by Councillor Parry, seconded by Councillor Cassidy.

4.3 The Action Log was noted.

5. Reports

Agenda No	Report Title	Submitted by:
5.1	Dalkeith Regeneration Development Framework – Masterplan for Dalkeith Town Centre	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>The Planning, Sustainable Growth and Investment Manager introduced the report. The purpose of the report is to seek agreement to the adoption of the Dalkeith Regeneration Development Framework as Planning Guidance</p> <p>The Committee is recommended to:</p> <ol style="list-style-type: none">1. Note the content of the report and agree to the adoption of the Dalkeith Regeneration Development Framework Planning Guidance (subject to the SEA process as per recommendation 2); and2. Instruct the Planning, Sustainable Growth and Investment Manager to undertake the required screening and notification/advertisement advising that the Dalkeith Regeneration Development Framework Planning Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment.		

Elected Members welcomed the progress being made on the Dalkeith Regeneration Development project.

The Committee unanimously agreed to the recommendations as set out in the report.

Decision

The Committee:

1. Noted the content of the report and agreed to the adoption of the Dalkeith Regeneration Development Framework Planning Guidance (subject to the SEA process as per recommendation 2); and
2. Instructed the Planning, Sustainable Growth and Investment Manager to undertake the required screening and notification/advertisement advising that the Dalkeith Regeneration Development Framework Planning Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.2	Listed building enforcement notice appeal decision (appeal dismissed) with regard the installation of windows and doors in the north facing elevation of South Church Hall, West Street, Penicuik	Chief Officer Place

Outline of Report and Summary of Discussion

The Planning, Sustainable Growth and Investment Manager introduced the report. The purpose of the report is to advise the Committee of a listed building enforcement notice appeal decision with regard the installation of windows and doors in the north facing elevation of South Church Hall, West Street, Penicuik.

It is recommended that the Committee notes the enforcement notice appeal decision with regard the installation of windows and doors in the north facing elevation of South Church Hall, West Street, Penicuik.

The Committee unanimously agreed to the recommendation as set out in the report.

Decision

The Committee noted the listed building enforcement notice appeal decision with regard the installation of windows and doors in the north facing elevation of South Church Hall, West Street, Penicuik.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.3	Certificate of lawful use development (CLUD) appeal decision (appeal dismissed) with regard the use of land for storage of goods and materials (excluding hazardous goods and materials) at land at the former filling station, Biggar Road, Hillend	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>The Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to advise the Committee of a certificate of lawful use development (CLUD) appeal decision with regard the use of land for storage of goods and materials (excluding hazardous goods and materials) at land at the former filling station, Biggard Road, Hillend.</p> <p>It is recommended that the Committee notes the certificate of lawful use development appeal decision with regard the use of land for storage of goods and materials (excluding hazardous goods and materials) at land at the former filling station, Biggard Road, Hillend.</p> <p>The Committee unanimously agreed to the recommendation as set out in the report.</p>		
Decision		
<p>The Committee noted the certificate of lawful use development appeal decision with regard the use of land for storage of goods and materials (excluding hazardous goods and materials) at land at the former filling station, Biggard Road, Hillend.</p>		
Action		
<p>The Planning, Sustainable Growth and Investment Manager</p>		

Agenda No	Report Title	Submitted by:
5.4	24/00076/PAC - Pre application consultation for the erection of a high school, ASN (additional support needs) facility and community facilities, swimming pool, veterinary clinic and associated works at land to the east and west of Seafield Moor Road, Bilston	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>The Planning, Sustainable Growth and Investment Manager introduced the report. The purpose of the report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre application consultation for the erection of a high school, ASN (additional support needs) facility and community facilities, swimming pool, veterinary clinic and associated works at land to the east and west of Seafield Moor Road, Bilston.</p>		

It is recommended that the Committee notes:

- a) the provisional planning position set out in the report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

The Committee unanimously agreed to the recommendation as set out in the report.

Decision

The Committee noted:

- a) the provisional planning position set out in the report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.5	Update report regarding the Torfichen Wind Farm, East of Gladhouse Reservoir	Chief Officer Place

Outline of Report and Summary of Discussion

The Planning, Sustainable Growth and Investment Manager introduced the report. The purpose of this report is to advise the Committee of progress to date in assessing the stated wind farm development comprising 18, 180m turbines and associated equipment and works at Torfichen Hill, Broad Law and Wull Muir on land to the east of Gladhouse Reservoir and southwest of Middleton, hereafter referred to as the Torfichen Wind Farm. The report outlines the proposal, the site and the procedures relevant to the determination of the application.

The recommendation is that the Committee:

- a) Note the update on the Torfichen Wind Farm application;
- b) Approve the attached interim response and instruct officers to issue it to the Scottish Government's Energy Consents Unit; and
- c) Note the intention to present a further report to the Committee on the Torfichen Wind Farm once a response has been received to the interim response.

Councillor Virgo made a declaration of transparency, advising of his connection to Scottish Water.

The Planning, Sustainable Growth and Investment Manager responded to questions from the Committee, confirming that the application was for the erection of turbines 180m in height and this is comparable to other wind farms across Scotland. In

response to concerns raised regarding the water quality at Gladhouse reservoir being affected by construction activity, the Planning, Sustainable Growth and Investment Manager commented that a range of bodies were giving scrutiny to the application. It was noted that a decision on the application will ultimately be taken by the Scottish Government's Energy Consent Unit and the Council is a consultee in this context. The Planning, Sustainable Growth and Investment Manager provided further detail on the interim response and advised that a request for additional information was a standard part of the planning process. The Planning, Sustainable Growth and Investment Manager advised the Committee that the final determination date of the application was to be confirmed.

The Committee unanimously agreed to the recommendation as set out in the report.

Decision

The Committee:

- a) Noted the update on the Torfichen Wind Farm application;
- b) Approved the attached interim response and instruct officers to issue it to the Scottish Government's Energy Consents Unit; and
- c) Noted the intention to present a further report to the Committee on the Torfichen Wind Farm once a response has been received to the interim response.

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.6	23/00595/DPP – Procedural report relating to the formation of recycling facility and waste transfer station; and the continuation of landfill operations and associated works at Middleton Lower Quarry, Gorebridge	Chief Officer Place

Outline of Report and Summary of Discussion

Given her declaration of interest, Councillor Scott left the Chamber for the discussion.

The Planning, Sustainable Growth and Investment Manager introduced the report. The purpose of this report is to advise the Committee of a planning application of a scale that defines it as a National Development for the formation of a recycling facility and waste transfer station; continuation of landfill operations and associated works at Middleton Lower Quarry, Gorebridge. This report outlines the development proposal and the procedures required in the assessment of a National Development.

It is recommended that the Committee note the contents of the report and instruct officers to make the arrangements for a pre-determination hearing and a site visit.

The Committee unanimously agreed to the recommendation as set out in the report.

Decision
The Committee noted the contents of the report and instructed officers to make the arrangements for a pre-determination hearing and a site visit.
Action
The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.7	23/00694/PPP – Application for planning permission in principle for residential development (indicative 78 units) and associated works at the Scotts Touring Caravans site, land north of Mayfield Industrial Estate, Mayfield, Dalkeith	Chief Officer Place

Outline of Report and Summary of Discussion
<p>Councillor Cassidy made a declaration of interest and left the Chamber for the discussion.</p> <p>The Planning, Sustainable Growth and Investment Manager introduced the report. The application is for planning permission in principle for a residential development and associated enabling works. The application site is the site of a former caravan sales, servicing and storage business situated on land to the north of Mayfield Industrial Estate, Mayfield Road (B6482), Mayfield, Dalkeith.</p> <p>The recommendation is to refuse planning permission.</p> <p>The Planning, Sustainable Growth and Investment Manager responded to questions from the Committee. Concerns were raised regarding increased traffic and it was noted that residents were already reporting issues in the vicinity. Concerns were raised in relation to the pressures a new development would add to secondary school provision and healthcare services. Some discussion took place regarding the site which sits adjacent to an industrial estate and petrol filling station. The Planning, Sustainable Growth and Investment Manager commented that there is precedent for residential development, with existing residential properties adjacent to the site.</p> <p>In responding to a question from an Elected Member, the Planning, Sustainable Growth and Investment Manager reported that there would be opportunity to give scrutiny to the proposed development, including matters of biodiversity, design and access, if the Committee were minded to approve the application.</p> <p>In responding to a question from an Elected Member, the Planning, Sustainable Growth and Investment Manager commented that the installation of SUDs would not address existing flooding activity, but would ensure that any existing flooding activity is not exacerbated by further development.</p> <p>In responding to a question from an Elected Member regarding sustainability, the Planning, Sustainable Growth and Investment Manager commented that new</p>

housing needs to comply with current building regulations and the proposed development would be required to meet the same standards as other residential properties coming forward.

It was noted that the Community Council for Mayfield and Easthouses had expressed their support for the development, and the need for housing in the area was acknowledged. The Planning, Sustainable Growth and Investment Manager commented that there would be opportunity to review the proposed development in greater detail especially in relation to matters of design, access and biodiversity if the Committee were minded to approve the application.

Councillor Bowen, seconded by Councillor Pottinger, moved to refuse planning permission.

Councillor McKenzie, seconded by Councillor McEwan, moved an amendment to the motion, namely, to grant planning permission.

On a vote being taken, 6 members of the Planning Committee voted for the amendment and 10 members of the Planning Committee voted for the motion. This then became the decision of the Committee.

Decision

The Planning Committee refused application 23/00694/PPP for planning permission in principle for residential development (indicative 78 units) and associated works at the Scotts Touring Caravans site, land north of Mayfield Industrial Estate, Mayfield, Dalkeith.

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.8	23/00700/S42 – Section 42 application to amend condition 14 to enable the installation of an adoptable (by Scottish Water) sustainable urban drainage system (SUDS), rather than the SUDS approved as part of the original planning application at the former Rosslynlee Hospital, Roslin	Chief Officer Place

Outline of Report and Summary of Discussion

The Planning, Sustainable Growth and Investment Manager introduced the report.

In December 2019 planning permission was granted for alterations and conversion of former hospital and existing buildings to form 72 dwellings; erection of 24 new dwellinghouses and associated works at the former Rosslynlee Hospital, Roslin. The current application to amend condition 14 enables the installation of an adoptable (by

Scottish Water) sustainable urban drainage system (SUDS), rather than the SUDS approved as part of the original planning application.

It is recommended that planning permission be granted.

The Committee unanimously agreed to the recommendation as set out in the report.

Decision

The Planning Committee approved application 23/00700/S42 to amend condition 14 to enable the installation of an adoptable (by Scottish Water) sustainable urban drainage system (SUDS), rather than the SUDS approved as part of the original planning application.

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.9	22/00878/DPP – Change of use from scrap yard (sui generis) to waste transfer site (class 5 General Industry) and contractor’s yard (sui generis); and associated groundworks and construction works (part retrospective) at the site of the former Ramsay Colliery in the centre of Loanhead (called in by Cllr Parry)	Chief Officer Place

Outline of Report and Summary of Discussion

The Planning, Sustainable Growth and Investment Manager introduced the report.

The application is for a change of use from scrap yard (sui generis) to waste transfer site (Class 5 General Industry) and contractors’ yard (sui generis); and associated groundworks and construction works. The application is part retrospective. The application site is an open yard at the site of the former Ramsay Colliery in the centre of Loanhead.

It is recommended that planning permission be granted.

In considering the application, the Planning Committee noted that a considerable number of objections had been received in relation to parking, traffic and waste. It was commented that the impact on nearby businesses should be considered, with an existing lack of customer parking available and further development in the area likely to exacerbate this. The Planning, Sustainable Growth and Investment Manager reported that industrial activity on the site is longstanding. If the Committee were minded to approve the application, planning conditions could be imposed to control and regulate activity, and in assessing the application it was felt that a range of conditions would be sufficient to mitigate any potential impact on nearby businesses.

An elected member raised concerns in relation to pedestrian safety on Engine Road. It was noted that the pavements are in a bad state of repair and vehicles park on the pavements. The Planning, Sustainable Growth and Investment Manager reported that a condition could be attached imposing a safety audit is undertaken with the applicant required to pay for the implementation of any recommendations.

In responding to a question from an Elected Member, the Planning, Sustainable Growth and Investment Manager reported that it would be possible to make a recommendation that parking provision must be available on site.

In responding to a question from an Elected Member, the Planning, Sustainable Growth and Investment Manager reported that if the site were to revert back to previous use as a scrap yard, it is considered that the traffic volume would be comparable to current levels.

Councillor Parry, seconded by Councillor McManus, moved to refuse planning permission.

Decision

The Planning Committee refused planning permission for a change of use from scrap yard (sui generis) to waste transfer site (Class 5 General Industry) and contractors' yard (sui generis); and associated groundworks and construction works. This was unanimously agreed by the Committee.

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.10	MLDP2 Update	Chief Officer Place
Outline of Report and Summary of Discussion		
Withdrawn		
Decision		
Action		

6. Private Reports

No items for discussion

7. Date of Next Meeting

The next meeting will be held on Tuesday 30 May at 1:00pm.

The meeting terminated at 14.21.