

Minute of Meeting



Planning Committee

Date	Time	Venue
15 May 2018	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

1. Apologies

Apologies were received from Councillors Hackett and Johnstone.

2. Order of Business

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

3. Declarations of interest

Councillor Baird declared a non-pecuniary interest in agenda item 5.6 - Application for Planning Permission for the Erection of Petrol Filling Station and Shop; Restaurant with Drive Thru, Cafe with Drive Thru and Associated Works at Land at Sheriffhall South, Melville Gate Road, Dalkeith (17/00537/DPP) – on the grounds that his participation may lead to a future conflict of interest.

4. Minutes of Previous Meetings

The Minutes of Meeting of 3 April 2018 was submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Penicuik Heritage Regeneration Project	Peter Arnsdorf
Outline of report and summary of discussion		
<p>With reference to paragraph 6.3 of the Minutes of the Cabinet of 30 August 2016, there was submitted report dated 8 May 2018 by the Head of Communities and Economy seeking the Committee's approval of a Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018).</p> <p>The report updated Members on current progress with the respective grant applications and explained that a requirement for securing grant funding from the Heritage Lottery Fund (HLF) was that the Council adopted a Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018); a copy of the proposed Management Plan was appended to the report.</p>		
Decision		
<p>The Committee, having heard from the Planning Manager, approved the Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018).</p>		
Action		
<p>Head of Communities and Economy</p>		

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 8 May 2018 by the Head of 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 the Appendices to the report.</p>
Decision
<p>The Committee:-</p> <p>(a) Noted the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2018; and</p> <p>(b) Noted the updates for each of the applications.</p>
Action
Head of Communities and Economy

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 8 May 2018 by the Head of Communities and Economy informing the Committee of the notices of review determined by the Local Review Body (LRB) at its meeting in February 2018 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 29 March 2018, upholding an enforcement notice dated 29 November 2017 relating to an unauthorised building erected on land to the rear of 180 Main Street, Pathhead, Midlothian that required to be demolished or dismantled, including the foundations and various other items, within 3 months of the enforcement notice taking effect, but allow the appeal to the extent that the terms of section 5 of the notice were varied to provide clarity of what was required. Dated 29 March 2018, dismissing an appeal and upholding an enforcement notice dated 29 November 2017 relating to the cessation of the use of the land for storage purposes and the removal of the unauthorised vehicles, trailers, caravans and other ancillary items and parts thereof associated with the vehicles, building materials including stone, bricks and timber, building equipment including portable building, scaffold, ladders, tarpaulin, fencing and other ancillary building materials from the land. 		

Decision
<p>The Committee:</p> <p>(a) Noted the decisions made by the Local Review Body at its meeting on 10 April 2017; and</p> <p>(b) Noted the outcome of the Appeals determined by the Scottish Ministers.</p>
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Proposed Residential Development with Associated Access, Open Space and Associated Works at Land North-West of Moat View, Roslin. (18/00139/PAC)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>With reference to paragraph 5.8 of the Minutes of 6 June 2017 there was submitted report dated 8 May 2018 by the Head of Communities and Economy advising that a pre-application consultation had been submitted regarding a proposed residential development with access roads, open space and associated works at land north-west of Moat View, Roslin</p> <p>The pre-application consultation had been 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.</p>		
Decision		
<p>Having heard from the Planning Manager, the Committee:-</p> <p>(a) Noted the provisional planning position set out in the report; and</p> <p>(b) Noted that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p>		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.5	Section 42 Applications to Remove Condition 5 of Planning Permissions 201/83 and 590/83 which Restricts the Occupancy of 19a Damhead, Lothianburn (18/00150/S42 and 18/00151/S42).	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted report dated 8 May 2018 by the Head of Communities and Economy concerning the above Section 42 Applications.		

Summary of Discussion
Having heard from the Planning Manager, the Committee discussed the continued need for a condition restricting occupancy of the property and also what the potential impact of removing it altogether might be. Whilst it was acknowledged that the lack of viability/profitability of the holding itself did not necessarily justify removal of the conditions, it was along with the clearer guidance now in place regarding occupancy restrictions, viewed as an important consideration.
Decision
After further discussion, the Committee agreed that planning permission be granted for the removal of Condition 5 of Planning Permissions 201/83 and 590/83 restricting occupancy of 19a Damhead, Lothianburn.
Action
Head of Communities and Economy

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With reference to paragraph 3 above, Councillor Baird having declared an interest in the following item of business, left the meeting at 2.21 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of Petrol Filling Station and Shop; Restaurant with Drive Thru, Cafe with Drive Thru and Associated Works at Land at Sheriffhall South, Melville Gate Road, Dalkeith (17/00537/DPP).	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted report dated 8 May 2018 by the Head of Communities and Economy concerning the above application.		
Summary of Discussion		
Having heard from the Planning Manager, the Committee discussed the potential impact that the proposed development was likely to have on the vitality and viability of both Dalkeith and Bonnyrigg town centres. Concerns were also expressed regarding the additional traffic movements likely to be generated by the proposed development and the potentially adverse impact that it may have on an already extremely busy road network in the area. Members also gave consideration to the Policy position; the site was allocated in the MLDP for Class 4 business uses, rather than the proposed mixed of Class 1 shop (retail) and Class 3 food and drink for consumption on the premises uses (cafe and restaurant) uses. Support was expressed by some Members for the petrol filling station element, which was felt to be badly needed, whilst other were supportive of the development as a result of the likely employment opportunities that it would bring.		

Thereafter Councillor Milligan, seconded by Councillor Russell moved that the planning application be refused for the reasons detailed in the report, which should be expanded to include a further reason regarding the impact on neighbouring town centres.

As an amendment Councillor Hardie, seconded by Councillor Winchester moved that planning permission be granted subject to appropriate conditions.

On a vote being taken, four Members voted for the amendment and 8 Members voted for the Motion which accordingly became the decision of the meeting.

Action

The Committee agreed that planning permission be refused for the following reasons:

1. The proposed land uses are not in accordance with the site's allocation for Class 4 business uses in the development plan and as such the development is contrary to policy 2 of the Strategic Development Plan for Edinburgh and the South-East Scotland (approved in 2013), policies STRAT1, ECON1 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
2. The proposed retail unit is of a significant size that it cannot be considered ancillary to the petrol filling station (they are composite uses) and as such when assessed against local and national planning policy with regard retail development it does not accord with the principle of 'town centres first' and is therefore contrary to policies TCR1, TCR2 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
3. The proposed cafe and restaurant uses are outwith any identified settlement boundary, on a site allocated for Class 4 uses and within the green belt without a justification and as such are contrary to policy ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
4. The proposed mixed use development by means of its composite of uses, in particular the shop and cafe/restaurants, is detrimental to the town centres of Midlothian, in particular Dalkeith, Bonnyrigg and the proposed town centre at Shawfair and as such when assessed against local and national planning policy with regard town centres it does not accord with the principle of 'town centres first' and is therefore contrary to policies TCR1, TCR2 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.

Decision

Head of Communities and Economy

The meeting terminated at 2.34 pm.