

# Minute of Meeting

Planning Committee  
Tuesday 31 August 2021  
Item No: 4.1



## Planning Committee

Date	Time	Venue
Tuesday 15 June 2021	1.00 pm	Via MS Teams

### Present:

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

### In Attendance:

Peter Arnsdorf	Planning Manager
William Venters	Legal Services
Derek Oliver	Chief Officer Place
Morag Barrow	Joint Director Health and Social Care
Janet Ritchie	Democratic Services Officer

## 1. Apologies

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Apologies for absence were intimated on behalf of Councillor Milligan

## 2. Order of Business

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The order of business was as set out in the Agenda.

## 3. Declarations of interest

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No declarations of interest were intimated at this stage of the proceedings.

## 4. Minutes of Previous Meetings

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The Minute of Meeting of 18 May 2021 was submitted and approved as a correct record with the following amendment to item 3. Declarations of Interest:

*Councillor Smaill declared an interest in item 5.6 Application for Planning Permission for the erection of 42 dwelling houses and four flatted dwellings; formation of access road and car parking and associated works at land South East of Tynewater Primary School, Crichton Road, Pathhead (20/00538/DPP) therefore he would leave the meeting during this discussion.*

## 5. Reports

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Agenda No	Report Title	Presented by:
5.1	Midlothian Local Development Plan Action Programme	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to update the Committee on the progress made implementing the Midlothian Local Development Plan 2017 (MLDP) and sought the Committee's approval of the revised MLDP Action Programme.</p> <p>The Town &amp; Country Planning (Scotland) Act 1997 requires the Council to prepare an Action Programme to accompany its local development plan, the MLDP, and to keep it under review and update it every two years. The first Action Programme was published in February 2018, this was reviewed in 2020.</p> <p>The revised Action Programme was subject to consultation between February and March 2020, however, the March 2020 Committee meeting was cancelled in response to the Covid-19 pandemic and the introduction of emergency measures. A copy of the revised Action Programme, was submitted to Scottish Ministers (to comply with the 2 year review requirement) for their information with the proviso that an adopted version would be submitted post pandemic or in 2021. A copy of the revised Action Programme is attached to the report as Appendix A.</p> <p>The Planning Manager in response to questions and comments advised that:</p> <ul style="list-style-type: none"><li>• The consultation targeted consulted bodies who had a reference in the document and the report was an update what the Council had been doing over the last two years.</li></ul>		

- If agreed this document would be published on the Council's website.
- Population estimates were a two way communication with Planning Authority and Scottish Government and the population statistics from the Census and that the population estimates are always slightly behind due to recovery of data.
- Explanation on the affordable housing and that for the reference referred to one year completion of affordable housing which was below 25%. He further advised that percentages for a number of years could be provided.
- Developer's contributions were on course and that 15.2 million had been collected. He further explained the reason for the gap between the amount secured and the amount collected and this was due to the number of housing approved but not yet completed.
- Confirmed that Midlothian is delivering the housing targets.

The Chair provided clarity on the role of the Scottish Reporter and the Scottish Government with regards to Planning applications and confirmed that the Scottish Government had the responsibility for Planning and could override a decision made by the Scottish Reporter.

#### Decision

The Planning Committee

- Agreed to adopt the updated Action Programme;
- Instructed the Planning Manager to submit the approved Action Programme to Scottish Ministers.
- Agreed that the Action Programme would be published electronically on the Council's Website.

#### Action

Planning Manager

Agenda No	Report Title	Presented by:
5.2	Roslin Conservation Area Character Appraisal and Management Plan	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>This report sought the Committee's agreement to adopt the 'Conservation Area Character Appraisal and Management Plan' (CACAMP) for the Roslin Conservation Area, attached to the report as Appendix A.</p> <p>At its meeting of 24 November 2020 the Committee agreed to undertake a formal consultation on the 'Conservation Area Character Appraisal and Management Plan' for the Roslin Conservation Area which ran from 3 December 2020 to 15 February 2021. The consultation was advertised via press release and social media. The Roslin and Bilston Community Council, Historic Environment Scotland and other relevant local community groups were notified of the draft CACAMP and invited to make comment.</p>		

The Chair advised that this had been out for public consultation and certain amendments and decisions had been taken on Board but some of these will not be picked up until the next Midlothian Development Plan.

#### Decision

The Planning Committee:

- a) Agreed the adoption of the Roslin Conservation Area Character Appraisal and Management Plan.
- b) Authorised the Planning Manager to make any necessary minor editing and design changes to the Roslin Conservation Area Character Appraisal and Management Plan prior to publication.

#### Action

The Planning Manager

Agenda No	Report Title	Presented by:
5.3	Tree Preservation Order (2 Of 2021) at Little Moss and Nether Moss Near Howgate, Penicuik	Peter Arnsdorf

#### Outline of report and summary of discussion

This report sought the Committee's approval to confirm a Tree Preservation Order (TPO) 2 of 2021 issued on 31 March 2021 for three groups of trees (G1, G2 and G3) at Little Moss and Nether Moss, near Howgate, Penicuik.

A TPO was issued by the Executive Director of Place as an 'emergency' using delegated authority powers granted by Midlothian Council's Standing Orders. The background and justification for issuing the TPO was set out in the delegated authority report attached as Appendix A.

The TPO came into effect on 31 March 2021 and continues in force for six months (until 31 September 2021) or until the Order is 'confirmed', which is the process of making the TPO permanent (until it is removed).

In response to a question raised by Councillor Parry regarding replacing trees which are felled on Council land the Planning Manager advised there was no policy on this but the Council was mindful of addressing climate change with regards to tree planting. Councillor Parry expressed her disappointment that this is not done as a matter of course to plant a tree when one is felled and asked for the legal position regarding this. Mr Venters advised that this was not for the Committee to make a decision today but this could be raised with the Chief Executive and pursued separately.

#### Decision

The Planning Committee:

- a) Agreed to confirm the Tree Preservation Order (2 of 2021 for three groups of trees G1, G2 and G3 at Little Moss and Nether Moss, near Howgate, Penicuik).

- b) Instructed the Planning Manager to carry out the necessary procedures, following confirmation and endorsement of a tree preservation order, that are required by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

#### Action

The Planning Manager

Agenda No	Report Title	Presented by:
5.4	Pre-Application Consultation Report Regarding For Mixed Use Development Comprising Class 4 (Business), Class 5 (General Industrial), Class 6 (Storage Or Distribution) With Associated Class 3 /Sui Generis Drive Through at Land At Sheriffhall South, Gilmerton Road, Dalkeith (21/00416/PAC)	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>The purpose of this report was to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for a mixed use development comprising Class 4 (Business), Class 5 (General Industrial), Class 6 (Storage or Distribution) with associated Class 3 (Food and Drink)/Sui Generis drive through at land at Sheriffhall South, Dalkeith (21/00416/PAC).</p> <p>The pre-application consultation was reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.</p> <p>Councillor Curran while acknowledging that this may bring job opportunities to the area raised his concern with regards to the ongoing issue with grade separation at Sheriffhall and that this will result in more pressure and congestion at this roundabout. Councillor Hackett also commented that if this application does go ahead in the future it should not limit any changes which might happen to Sheriffhall in the future.</p>		
<b>Decision</b>		
<p>The Planning Committee noted:</p> <ul style="list-style-type: none"> <li>a) The provisional planning position set out in this report;</li> <li>b) That any comments made by Members will form part of the minute of the Committee meeting.</li> <li>c) That the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.</li> </ul>		
<b>Action</b>		
The Planning Manager		

Agenda No	Report Title	Presented by:
5.5	Pre-Application Consultation Report Regarding Residential Development at Scotts Touring Caravans, Mayfield Industrial Estate, Dalkeith (21/00344/PAC).	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>The purpose of this report was to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for residential development (Class 9) at a former caravan park, west of the B6482, Mayfield (21/00344/PAC).</p> <p>The pre-application consultation was reported to the Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.</p> <p>Councillor Hackett commented on how this development encroaches into the employment land and that this should not limit opportunities for employment in this area particularly with the number of houses going up in the Mayfield and Easthouses area.</p>		
<b>Decision</b>		
<p>The Planning Committee noted:</p> <ul style="list-style-type: none"> <li>a) The provisional planning position set out in this report;</li> <li>b) That any comments made by Members will form part of the minute of the Committee meeting.</li> <li>c) That the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.</li> </ul>		
<b>Action</b>		
The Planning Manager		

## 6. Private Reports

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No items for discussion

## 7. Date of Next Meeting

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The next meeting will be held on Tuesday 31 August 2021

The meeting terminated at 13.24 pm