

# Minute of Meeting



## Planning Committee

Date	Time	Venue
Tuesday 18 May 2021	1.00 pm	Via MS Teams

### Present:

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

### In Attendance:

Peter Arnsdorf	Planning Manager
Alan Turpie	Legal Services Manager
Kevin Anderson	Executive Director Place
Derek Oliver	Chief Officer Place
Jim Gilfillan	Consultant Policy & Planning
Sandra Banks	Resource Manager - LES
Janet Ritchie	Democratic Services Officer

## 1. Apologies

---

Apologies for absence were received from Councillor Hardie and Councillor Alexander.

## 2. Order of Business

---

With regards to Item 5.5 this was withdrawn from the Agenda and the order of business amended as detailed below.

## 3. Declarations of interest

---

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

## 4. Minutes of Previous Meetings

---

The Minute of Meeting of 6 April 2021 was submitted and approved as a correct record.

## 5. Reports

---

Agenda No	Report Title	Presented by:
5.1	Planning (Scotland) Act 2019 – National Planning Framework 4 (NPF4) Housing Figures Consultation	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>The purpose of this report was to seek the Committee's approval of a draft response to the Scottish Government's consultation on proposed housing numbers/targets and the methodology for their calculation to be incorporated in the draft National Planning Framework 4 (NPF4), which is scheduled for publication in the autumn 2021.</p> <p>In September 2019, the Government published its programme for implementing the Planning (Scotland) Act 2019 (which received royal assent on 25 July 2019). It proposes a series of consultations with local planning authorities, key agencies, key stakeholders, community organisations and members of the public on the necessary secondary legislation/regulations and additional guidance required to implement various sections of the new Act, including NPF4.</p> <p>The Planning Manager responded to comments and questions with regards to the need for Infrastructure and the resources to support a growing community. It was agreed that a response would be sent to the Scottish Government on behalf of the Planning Committee on the points raised.</p>		
<b>Decision</b>		
<p>The Planning Committee:</p> <ul style="list-style-type: none"><li>• Approved the Midlothian Response to the proposed NPF4 housing figures consultation as attached to this report as Appendix B.</li><li>• Would not provide any locally adjusted estimate at this stage.</li></ul>		

<ul style="list-style-type: none"> <li>• Would formally submit a copy of the response to Scottish Ministers.</li> <li>• Would send a response to the Scottish Government once the new Cabinet was in place with regards in the need for Infrastructure and resources to support a growing community.</li> </ul>
<b>Action</b>
Chair of the Planning Committee/Planning Manager

### **Councillor Wallace left the meeting at 13.10 pm**

<b>Agenda No</b>	<b>Report Title</b>	<b>Presented by:</b>
5.2	Tree Preservation Order (1 of 2021) For tree on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>This report sought the Committee's approval to confirm a Tree Preservation Order (TPO) 1 of 2021 issued on 12 January 2021 on a single mature sycamore tree (<i>Acer pseudoplatanus</i>) on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg.</p> <p>At its meeting of 12 January 2021 the Committee agreed:</p> <ol style="list-style-type: none"> <li>To the issuing of a TPO to protect a tree on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg;</li> <li>To receive a further report to consider confirming the TPO once the owner of the land and other interested parties have had the opportunity to make comment.</li> </ol> <p>The Council has received no written representations in connection with the TPO and therefore it is reasonable to conclude that the tree is a valuable amenity asset worthy of preservation for the future and should be protected by a Tree Preservation Order under Section 160(3) of the Town and Country Planning (Scotland) Act 1997 and The Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010.</p>		
<b>Decision</b>		
<p>The Planning Committee:</p> <ul style="list-style-type: none"> <li>• Agreed to confirm the Tree Preservation Order</li> <li>• 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.</li> </ul>		
<b>Action</b>		
Planning Manager		

Agenda No	Report Title	Presented by:
5.3	Tree Preservation Order (1 of 2020) at 8 Ancrum Road, Dalkeith	Peter Arnsdorf
Outline of report and summary of discussion		
<p>This report sought the Committee's approval to confirm a Tree Preservation Order (TPO) 1 of 2020 issued on 17 December 2020 on a single mature common oak tree (<i>Quercus robur</i>) within the grounds of 8 Ancrum Road, Dalkeith.</p> <p>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 is set out in the delegated authority report attached as Appendix A.</p> <p>The TPO came into effect on 17 December 2020 and continues in force for six months (until 17 June 2021) or until the Order is 'confirmed', which is the process of making the TPO permanent (until it is removed).</p> <p>In responding to questions raised regarding the proximity of the tree, the risk of damage to the wall and the health and safety impact this may have, the Planning Manager advised that experts had confirmed that the tree was not an immediate risk but after another 10 years of growth it may become a risk therefore the TPO would be reviewed again in 10 years.</p>		
Decision		
<p>The Planning Committee:</p> <ul style="list-style-type: none"> <li>• Agreed to confirm the Tree Preservation Order</li> <li>• 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</li> <li>• To review the Tree Preservation Order in 2031.</li> </ul>		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.4	Pre application consultation report regarding residential development at land to South of Mayfield and East of Newtongrange, Crawlees Road, Gowkshill, Gorebridge (21/00179/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, open space and associated infrastructure at land to south of Mayfield and east of Newtongrange, Crawlees Road, Gowkshill, Gorebridge (21/00179/PAC).</p> <p>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>There was a lengthy discussion with regards to this development and the impact this will have on the residents in particular regarding the noise and increased traffic. Comments were also made with regards to the importance of a clear distinction between communities, the importance of good walkways and cycle routes through the estates for access to schools, adequate road safety testing, public facilities for children and families and the strain that is already on these communities with regards to GP practices.</p> <p>The Planning Manager provided clarity on the points raised and the Chair confirmed these would all be taken into account and discussed with the Developer.</p>		
<b>Decision</b>		
<p>The Planning Committee noted:</p> <ul style="list-style-type: none"> <li>• The provisional planning position set out in this report.</li> <li>• That any comments made by Members will form part of the minute of the Committee meeting.</li> <li>• 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>		
Planning Manager		

**Councillor Smaill left the meeting at 13.40 pm prior to the following item being discussed**

Agenda No	Report Title	Presented by:
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)	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>The application for planning permission was for the erection of 42 dwelling houses and four flatted dwellings; formation of access road and car parking and associated works at land to the south east of Tynewater Primary School, Crichton Road, Pathhead.</p> <p>There had been 41 representations of objection; one representation of support; one neutral representation; and consultation responses from Historic Environment Scotland, the Scottish Environment Protection Agency (SEPA), Scottish Water, Transport Scotland, Tynewater Community Council, the Council's Archaeology Advisor, the Council's Biodiversity Advisor, the Council's Education Resource Manager, the Council's Environmental Health Manager, the Council's Land Resources Manager, Midlothian Health and Social Care Partnership (MHSCP) and the Council's Policy and Road Safety Manager.</p> <p>The Planning Manager in responding to comments and questions advised that there had been no comments made on the application by Midlothian Health and Social Care Partnership. He also advised that with regards to the difficult junction and issues with traffic, both Transport Scotland and the Council's Policy and Road Safety Manager had assessed the application and no recommendations had been made.</p> <p>After further discussion the Planning Manager confirmed that he would take the points forward for consideration with regards to improving the existing play area to have a more centralised open space and that the construction management programme be discussed directly with the school.</p>		
<b>Decision</b>		
The Committee agreed to grant planning permission subject to the conditions detailed within the report and the applicant entering into a Planning Obligation to secure developer contributions towards necessary infrastructure and the provision of affordable housing.		
<b>Action</b>		
Planning Manager		

## 6. Date of Next Meeting

The next meeting will be held on Tuesday 15 June 2021

The meeting terminated at 1.55 pm.