

# Minute of Meeting



## Planning Committee

Date	Time	Venue
20 February 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

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

## 1 Apologies

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Apologies received from Councillor Parry.

## 2 Order of Business

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The order of business was confirmed as outlined in the agenda that had been circulated.

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of 9 January 2018 were submitted and approved as a correct record.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Planning Performance Framework Annual Report 2016/17	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 8 February 2018, by the Head of Communities and Economy, providing an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian and advising of the feedback received from the Scottish Government on the Council's submitted Planning Performance Framework for 2016/17.</p> <p>The report advised that in the feedback report on the fifteen 'performance markers' (a copy of which was appended to the report), seven had been rated as "green" giving no cause for concern; four were rated "amber" where areas for improvement had been identified; and two had been rated "red" where specific attention was required.</p>		
<b>Summary of Discussion</b>		
<p>The Committee, having heard from the Planning Manager who responded to Members' questions, acknowledged that the feedback report provided a helpful independent 'audit' of performance and progress, as well as some clear indications of areas for improvement. With regards to those areas rated "red", the adoption of the Midlothian Local Development Plan (MLDP) 2017 by the Council at its meeting on 7 November 2017 (paragraph 8.9 refers) and the Project Plan at its meeting on 13 February 2018 (paragraph 8.11 refers) should remove these from the 2017/18 feedback report.</p>		

Decision
<p>After further discussion, the Committee noted:-</p> <ul style="list-style-type: none"> <li>(a) the feedback received from Scottish Government to the Council's submitted Planning Performance Framework for 2016/17;</li> <li>(b) the specific actions being undertaken to address specific matters of concern;</li> <li>(c) the current position with regards the MLDP; and</li> <li>(d) that an update on the new Planning Bill would be brought forward in due course.</li> </ul>
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.2	Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 8 February 2018 by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.</p>		
Decision		
<ul style="list-style-type: none"> <li>(a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2018; and</li> <li>(b) To note the updates for each of the applications.</li> </ul>		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.3	Appeal and Local Review Body Decisions	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 8 February 2018, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in January 2018, and advising of the outcome of two appeal determined by Scottish Ministers.</p>		

Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-

- dated 15 January 2018, dismissing an appeal, and a claim for costs, by Cook Investments/Dimension Homes Ltd against refusal of planning permission for the erection of nine dwelling houses, formation of access and car parking and associated works at land west of the Laird and Dog Hotel, High Street, Lasswade (16/00727/DPP) and refusing planning permission, and declining the award of expenses; and
- dated 22 January 2018, upholding an appeal by T & V Builders against refusal of planning permission for the erection of 11 flatted dwellings and five dwelling houses, formation of access and car parking and associated works at land at junction of Bryans Road and Morris Road, Newtongrange (16/00809/DPP) and granting planning permission subject to conditions and the conclusion of a legal agreement to secure developer contributions.

#### Decision

The Committee, having heard from the Planning Manager, noted:-

- (a) the decisions made by the Local Review Body at its meetings on 16 January 2018; and
- (b) the outcome of the appeals determined by Scottish Ministers

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Pre Application Consultation - Proposed Storage of Soil (top soil and sub soil) at Shawfair Site F, Monktonhall Colliery Road, Dalkeith (17/00859/PAC)	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 8 February 2018, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding the proposed storage of soil (top soil and sub soil) at Shawfair Site F, on the north side of Monktonhall Colliery Road, Dalkeith (17/00859/PAC).</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' 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 for the Committee's consideration.</p>		

### Summary of Discussion

Having heard from the Planning Manager, Members raised questions regarding the access to the site and also restoration of the ground once works had been completed, it being pointed out that a site near to the new station at Eskbank that had been used for similar purposes had been left to grass over once works had been completed.

### Decision

- (i) To note the provisional planning position set out in the report;
- (ii) To note the comments made by Members; and
- (iii) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Application for Planning Permission in Principle for the Erection of a Retail Unit at Soutra Mains Farm, Pathhead (17/00951/PPP).	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 8 February 2016, by the Head of Communities and Economy concerning the above application.		
<b>Summary of Discussion</b>		
<p>Having heard from the Planning Manager, who responded to Members questions, the Committee discussed the current policy position, in particular the potential impact of the proposed retail unit on the vitality and viability of nearby town centres. The Committee also considered the likely impact on road safety. It being noted that in the period since the agenda had issued correspondence had been received from the applicant's agent confirming that the required visibility splay for the access could be achieved on the applicant's own land with minimal impact. It was acknowledged that these issues were all concerns discussed in relation to the previous application refused by the Committee at its meeting on 14 November 2017 (paragraph 5.8 refers). Opinion was divided over whether the case for a departure from the policy position in relation to the impact on nearby town centres had been clearly established and also whether in granting the application the Committee would be setting a precedent that could make refusal of other similar schemes difficult.</p> <p>After further discussion, Councillor Imrie, seconded by Councillor Milligan, moved that as the proposed application was contrary to policy and would potentially set a damaging precedent that planning permission be refused for reasons 1, 2, 3 and 5 detailed in the Head of Communities and Economy's report.</p>		

As an amendment, Councillor Smaill, seconded by Councillor Baird, moved that given the unique nature of the application site and the likelihood that it would not negatively impact on nearby town centres that planning permission be granted subject to the normal conditions and an agreement regarding appropriate developer contributions.

On a vote being taken, six Members voted for the motion and ten for the amendment, which accordingly became the decision of the meeting.

#### Decision

That planning permission be granted subject to the normal conditions and an agreement regarding appropriate developer contributions.

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission (16/00618/DPP) for the Erection of Two Storey Drive Through Restaurant; Alterations to Existing Car Park and Access Roads at Land at Tesco Car Park, Hardengreen, Dalkeith.	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 21 December 2016, by the Head of Communities and Economy concerning the above application.		
<b>Summary of Discussion</b>		
Having heard from the Planning Manager, the Committee discussed the potential impact that the proposed development would have on the vitality and viability of both Dalkeith and Bonnyrigg town centres; it being felt that a development of this nature might be much better suited to a town centre location. 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 issue of litter, the potential for the site to become the focus for anti-social behaviour and the possibility of securing a developer contribution towards the planned A7 improvements.		
<b>Decision</b>		
After further discussion, the Committee agreed to continue consideration of the application in order to afford the applicants the opportunity to address Members concerns regarding the impact on traffic, to submit their proposed litter collection plan and also for further discussions to take place regarding potential developer contributions.		
<b>Action</b>		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission (17/00939/DPP) for the Erection of a Dwellinghouse, Garage, Stable Block, formation of Hardstanding and Associated Works on Land North of Crichton Village, Pathhead.	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 8 February 2018, by the Head of Communities and Economy concerning the above application.		
<b>Decision</b>		
Having heard from the Chair, the Committee agreed to continue consideration of the application to allow a site inspection visit to take place.		
<b>Action</b>		
Head of Communities and Economy/Democratic Services		

The meeting terminated at 3.37pm.