

Minute of Meeting

Planning Committee
Tuesday
Item No: 4.1



Planning Committee

Date	Time	Venue
Tuesday 10 January 2023	1.00 pm	Council Chambers, Midlothian House

Present:

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

In Attendance:

Matthew Atkins	Lead Officer, Planning Obligations and Enforcement
Derek Oliver	Chief Officer, Place
William Venters	Principal Solicitor
Janet Ritchie	Democratic Services Officer
Ross Neill	Democratic Services Officer

1. Apologies

Apologies for absence were received from Councillor Russell, Councillor Milligan and Councillor Curran.

2. Order of Business

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

3. Declarations of interest

Councillor Scott declared an interest with regards to item 5.1 and 5.2 therefore would take no part in this discussion and would leave the meeting for both these items.

Councillor Smail advised that with regards to 5.1 his wife had joined Moorfoot Community Council but this was subsequent to the comments submitted regarding this item therefore he would still participate in this item. Having consulted with the Monitoring Officer he further advised that if his wife in her role within the Community Council commented on any future planning applications he would abstain from the discussion, however, if no comments were made he would fulfil his duties as a Councillor in the planning discussions.

4. Minutes of Previous Meetings

The minute of the meeting of 22 November 2022 was submitted and approved as a correct record.

5. Reports

Councillor Scott left the meeting at 1.02 pm

Agenda No	Report Title	Submitted by:
5.1	Pre Application Report – Middleton Lower Quarry, Gorebridge (22.00856.PAC)	Chief Officer Place
Outline of report and summary of discussion		
<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 the proposed change of use of land to a recycling facility and the continuation of landfill operations at Middleton Lower Quarry (Middleton Limeworks), Gorebridge.</p> <p>The Planning Officer presented the report outlining the main sections contained within the report.</p>		
Decision		
<p>The Planning Committee noted:</p> <ul style="list-style-type: none">a) the provisional planning position set out in this 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 Lead Officer, Planning Obligations and Enforcement

Agenda No	Report Title	Submitted by:
5.2	Section 42 Application – Middleton Limeworks, Gorebridge (22.00546.S42)	Chief Officer Place

Outline of report and summary of discussion

At the Planning Committee meeting on 17 November 2015 the Committee granted planning permission for the infilling and restoration of the former Middleton Limeworks Quarry. This section 42 application seeks to amend the wording of conditions 1 and 3 attached to the grant of planning permission (15/00503/DPP) to confirm the duration of the temporary planning permission and to allow the acceptance of non-hazardous waste as an infill material.

The Planning Officer in presenting the report highlighted the main sections contained within the report and advised that today the Committee is considering the variations to the conditions as detailed in the report.

The Planning Officer in response to a question with regards to how long it takes for the land to be filled in before it can be used for another purpose confirmed that with regards to this application it will be completed by March 2024.

Decision

The Planning Committee granted Planning permission for the following reason:

The proposed amendments to conditions does not fundamentally change the development which is being implemented under a previous grant of planning permission. The proposed development does not have adverse environmental impacts subject to detailed/technical matters being agreed/secured by condition. This presumption in favour of development is not outweighed by any other material considerations. The proposed development accords with the Midlothian Local Development Plan (2017).

Subject to the conditions as set out in the report.

Action

The Lead Officer, Planning Obligations and Enforcement

Councillor Scott rejoined the meeting at 1.07 pm following discussion of the above two items.

Agenda No	Report Title	Submitted by:
5.3	Section 42 Application – Land South West of Newtonloan Toll, Gorebridge (22.00588.S42)	Chief Officer Place
Outline of report and summary of discussion		
<p>In November 2012 planning permission in principle (07/00556/OUT) was granted for Class 4 (business) and Class 5 (general industrial) uses on land to the south west of Newtonloan Toll, Gorebridge. In December 2019 a new planning permission in principle (17/00559/S42) was granted for the development without compliance with condition 8 (provision of zero and/or low carbon equipment) of the original grant of planning permission. The current planning application seeks to amended conditions; 4.viii (pedestrian/cycling links), 5.i (vehicular and pedestrian access), 5.iii (proposed signalised junction access layout), 5.iv (existing traffic lights at Newtonloan Toll), 7 (high speed fibre broadband) and 9 (electric vehicle charging stations).</p> <p>The Planning Officer outlined the main sections contained within the report and responded to a question with regards to Retail use advising that Retail use was not one of the uses proposed within this Application.</p>		
Decision		
<p>The Planning Committee granted planning permission in principle for the following reason:</p> <p style="text-align: center;"><i>The proposed development site is identified as being part of the Council's safeguarded/committed economic land supply within the Midlothian Local Development Plan 2017 and as such there is a presumption in favour of the proposed development. This presumption in favour of development is not outweighed by any other material considerations or the proposed amendment of conditions.</i></p> <p>Subject to:</p> <ol style="list-style-type: none"> i. the prior signing of a legal agreement to secure contributions towards public transport. The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused; and ii. the conditions as set out in the report. 		
Action		
The Lead Officer, Planning Obligations and Enforcement		

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 13 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Agenda No	Report Title	Submitted by:
6.1	Tree Preservation Order (TPO) - Cousland	Chief Officer Place
Decision		
The Committee agreed the recommendations as detailed in the Report.		
Action		
The Lead Officer, Planning Obligations and Enforcement		

6. Date of Next Meeting

The next meeting will be held on Tuesday 28 February 2023 at 1.00pm

The meeting terminated at 1.11 pm