

Minute of Meeting



Planning Committee

Date	Time	Venue
14 May 2019	1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Lay-Douglas
Councillor McCall	Councillor Milligan
Councillor Muirhead	Councillor Munro
Councillor Parry	Councillor Russell
Councillor Small	Councillor Wallace

In Attendance:

Mary Smith, Director, Education, Communities and Economy	Peter Arnsdorf, Planning Manager
Alan Turpie, Legal Services Manager	Jim Gilfillan, Consultant Policy & Planning, Policy & Road Safety
Mike Broadway, Democratic Services Officer	

1. Apologies

Apologies for absence were intimated on behalf of Councillors Johnstone and Winchester.

2. Order of Business

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

3. Declarations of interest

In light of the recent Standards Commission decision to sanction two Councillors for breaches of the Councillors' Code of Conduct, a number of Members of the Committee raised concerns regarding the process for engaging with individuals and/or groups who may have an interest in a planning related matter. It was felt that guidance was required in order to clarify the position, in order that Members could participate in the planning process without fear of falling foul of a similar breach.

The Monitoring Officer, having advised that a full report on the Standards Commissions ruling would be submitted to the June Council meeting, attempted to offer the clarification sought by Members.

In response to a suggestion that the business on today's agenda be carried forward to the June meeting, the Chair advised that he was not minded to suspend today's meeting. Further advice was then offered by the Monitoring Officer and the Planning Manager regarding the timescales for determining applications and the potential for applicants to appeal on grounds of non-determination in the event that the meeting did not proceed.

After further discussion, the undernoted Members indicated that in the absence of formal clarification of the Standards Commissions decision they were not prepared to proceed and withdrew from the meeting at 1.16pm – Councillors Alexander, Baird, Cassidy, Hardie, Lay-Douglas, McCall, Munro, Parry, Smail and Wallace.

In terms of Standing Order 7.1, it was confirmed that there were sufficient Members remaining to constitute the required quorum of 6, so the meeting could proceed.

4. Minutes of Previous Meetings

The Minute of Meeting of 2 April 2019 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted a report dated 2 May 2019 by the Director, Education, 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.

The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in Appendices A and B attached to this report.

Decision

The Committee noted the major planning application proposals which were likely to be considered by the Committee in 2019 and the updates for each of the applications.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.2	Appeals and Local Review Body Decisions	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted a report dated 2 May 2019 by the Director, Education, Communities and Economy informing the Committee of the notices of review determined by the Local Review Body (LRB) at its meeting in April 2019 and advising that there were no appeals determined by Scottish Ministers to report.

Decision

The Committee noted the decisions made by the Local Review Body at its meetings on 16 April 2019.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.3	Supplementary Guidance: Housing Development in the Countryside and Green Belt	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.2 of the Minutes of 9 October 2018, there was submitted report, dated 2 May 2019, by the Director of Education, Communities and Economy, advising the Committee of the responses received to the public consultation on the proposed supplementary guidance on 'Housing Development in the Countryside and Green Belt' and seeking agreement to the adoption of the Housing Development in the Countryside and Green Belt Supplementary Guidance.

The report explained that the consultation period had run for eight weeks from 22 November 2018 to 18 January 2019 with discussions with interested parties continuing after the specified period. Responses had been received from a wide range of consultees including, Community Councils, landowners, developers, Government agencies and members of the public. A summary of the consultation responses, together with details of the Council's proposed response and a track change copy of the draft Supplementary Guidance document showing proposed deletions and additions (shown in red) to the document arising from the consultation were appended to the report.

Summary of Discussion

The Committee, having heard from the Planning Manager, welcomed the comments received as a result of the public consultation on the proposed Supplementary Guidance.

Decision

After further discussion, the Committee agreed:-

- a) to adopt the Housing Development in the Countryside and Green Belt Supplementary Guidance (as amended following the consultation process);
- b) that the Housing Development in the Countryside and Green Belt Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- c) to instruct the Planning Manager to undertake the required notification/advertisement advising that the Housing Development in the Countryside and Green Belt Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- d) to instruct the Planning Manager to notify the Scottish Ministers of the Council's intention to adopt the Housing Development in the Countryside and Green Belt Supplementary Guidance; and
- e) to be advised of the outcome of the notification of the Scottish Ministers procedure.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.4	Proposed Development of Mountain Bike Trail Centre, Indoor and Outdoor Leisure Facilities, Food and Drink Uses, Professional Service Suites, Offices, Retail, Visitor Accommodation and Associated Site Access Parking, Landscaping and Other Works at Former Lothianburn Golf Club, 106 Biggar Road, Edinburgh (19/00126/PAC).	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted report, dated 2 May 2019, by the Director, Education Communities and Economy advising that a pre application consultation had been submitted regarding the proposed development of a mountain bike trail centre, indoor and outdoor leisure facilities, food and drink uses, professional service suites, offices, retail, visitor accommodation and associated works at the Former Lothianburn Golf Club, 106 Biggar Road, Edinburgh (19/00126/PAC).

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.

Summary of Discussion

The Committee, having heard from the Planning Manager, discussed the possible potential impact of the retail element and whether or not it would be possible to restrict the goods/products being sold to items having a connection to the activities taking place, e.g Indoor and Outdoor Leisure pursuits. In response the Planning Manager advised that as the proposed site straddled the boundary with the City of Edinburgh Council and the land on which this part of the development was likely to occur fell within their jurisdiction it would be for them to determine such matters, however Members' concerns in this regard could be draw to their attention as part of the pre-application process.

Decision

The Committee noted:

- (a) The provisional planning position set out in the report;
- (b) The comments made by Members; and
- (c) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.5	Proposed Residential Development with Associated Engineering Works, Open Space and Landscaping at Land North of Oak Place Mayfield Dalkeith (19/00106/PAC).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 2 May 2019, by the Director, Education Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development with associated engineering work, open space and landscaping at land north of Oak Place, Mayfield (19/00106/PAC).

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.

Summary of Discussion

The Committee, having heard from the Planning Manager, discussed the potential number of units, it being acknowledged that in terms of the Midlothian Local Development Plan 2017 (MLDP) the indicative capacity was for 63 units, and also the access arrangements, both in terms of the design of the site layout and also during construction. In response to Members questions, the Planning Manager advised that although the site history would be reviewed as part of consideration of the current application, anyone who had made representations regarding previous applications would be best advised to submit these afresh if they wish their views to be considered as part of determination of the current application.

Decision

The Committee noted:

- (a) The provisional planning position set out in the report;
- (b) The comments made by Members; and
- (c) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of 247 Dwellinghouses; Formation of Access Roads and Car Parking; SUDs Features and Associated Works on part of Site HS11 Dalhousie South Bonnyrigg (18/00740/DPP).	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted report, dated 2 May 2019, by the Director, Education, Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee in discussing the background to the inclusion of the proposed development site in the Midlothian Local Development Plan 2017, acknowledged the importance of developer contributions to help offset the growing pressures being put on infrastructure in the area. In particular, improvements to public transport through a contribution towards the proposed orbital bus service, use of the contribution towards leisure to help fund upgrade of the all-weather pitch and the opportunity to make future provision for the extension of the very popular Cockpen cemetery which adjoined the site.

Decision

After further discussion, the Committee agreed to grant the planning permission for the following reason:-

The proposed development site is allocated in the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies, subject to securing developer contributions and subject to appropriate conditions. The presumption for development is not outweighed by any other material considerations.

subject to:

i) the prior signing of a legal agreement to secure:

- the provision of affordable housing equal to, or greater than 25% of the total number of residential units across site Hs11 as a whole;
- a financial contribution towards education provision;
- a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches);
- a financial contribution towards public transport/Borders Rail;
- a financial contribution towards the Council's A7 urbanisation scheme;
- maintenance of open space; and
- a financial contribution towards the promotion of roads orders to secure safe routes to school.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused; and

ii) the detailed conditions set out in the report.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission in Principle for Residential Development on part of Site HS11 Dalhousie South Bonnyrigg (18/00743/DPP).	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted report, dated 2 May 2019, by the Director, Education, Communities and Economy concerning the above application.		

The Committee, having heard from the Planning Manager, considered that as this site was an integral part of the wider development site dealt with as part of the proceeding item of business the same comments equally applied in terms of the importance of the developer contributions.

Decision

The Committee, after further discussion, agreed to grant the planning permission in principle for the following reason:

The proposed development site is allocated in the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies, subject to securing developer contributions and subject to appropriate conditions. The presumption for development is not outweighed by any other material considerations.

subject to:

- i) the prior signing of a legal agreement to secure:
- the provision of affordable housing equal to, or greater than 25% of the total number of residential units across site Hs11 as a whole;
 - a financial contribution towards education provision;
 - a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches);
 - a financial contribution towards public transport/Borders Rail;
 - a financial contribution towards the Council's A7 urbanisation scheme;
 - maintenance of open space; and
 - a financial contribution towards the promotion of roads orders to secure safe routes to school.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

- ii) the detailed conditions as set out in the report.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.8	Section 42 Application to Remove Condition 7, requiring enhanced Public Transport facilities, imposed on grant of Planning Permission 17/00951/PPP for a Retail Unit at Soutra Mains Farm, Blackshiels, Fala, Pathhead (19/00221/S42).	Peter Arnsdorf

Outline of report and summary of discussion

With reference to paragraph 5.5 of the Minutes of 20 February 2018, there was submitted report, dated 2 May 2019, by the Director, Education, Communities and Economy concerning the above application.

Councillor Hackett advised the Committee that, in view of the early discussion regarding the decisions of the Standards Commission (paragraph 3 above refers), having visited the site, he would be declare a non-pecuniary interest in this item. He indicated that notwithstanding this he still felt that he could reach an objective, impartial decision and therefore intended to participate in consideration of the current application. However following advice from the Monitoring Officer, he accepted that in the absence of clarification of the Standards Commission decisions, he would err on the side of caution and withdraw from the meeting.

In terms of Standing Order 7.11, there being insufficient Members present to constitute the required quorum of 6, the meeting was adjourned and no further business was discussed.

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting will be held on Tuesday 18 June 2019.

The meeting terminated at 1.47 pm