

Minute of Meeting



Planning Committee

Date	Time	Venue
18 June 2019	1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

2. Order of Business

The Committee noted that with the exception of Agenda Item No 5.6 – 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17/00951/PPP for a Retail Unit at Soutra Mains Farm, Blackshiels, Fala, Pathhead (19/00221/S42) – which had been withdrawn at the request of the Applicant, the order of business was as outlined in the agenda.

3. Declarations of interest

Councillor McCall (non-pecuniary) declared an interest in agenda item 5.9 - Application for Planning Permission for the Erection of Dwellinghouse/Café and Amenity Building; the Siting of five Yurts; the Formation of Pond and Associated Works on Land At Netherton, East of the A701, Penicuik (18/00741/DPP) – on the grounds that, she had attended Howgate Community Council when the matter had been discussed; had been approached by objectors at her surgery; and met with the applicants, however at no time had she offer an opinion on the current applications before Members.

Councillor Wallace (non-pecuniary) also declared an interest in same agenda item on the grounds that he had been approached by objectors at his surgery the previous evening and although he had not offer an opinion on the current applications before Members, as he had not had the opportunity to balance things out and meet with the applicants, he intended not to take part in consideration of the application and would withdraw from the meeting.

The Monitoring Officer in response confirmed the advice he had given at the May meeting that as long as Members felt confident that they could approach issues with an open mind and had not pre-judged matters then in terms of the Councillors Code of Conduct they could participate in proceedings.

Councillor Smail sought guidance regarding his participation in consideration of agenda item 5.4 - Appeals and Local Review Body Decisions – on the grounds that he had made an unaccompanied visit to the locality of the site in Pathhead, which was the subject of one of the appeals, to view if the required demolition works had taken place, which he was pleased to report they had. The Monitoring Officer indicated in response that he did not believe that a Member visiting a site in his/her ward could in itself be deemed as inappropriate.

The Chair, Councillor Imrie, remarked that in view of the recent Standards Commission decision to sanction two Councillors for breaches of the Councillors' Code of Conduct, he could understand Members nervousness, but the business of the Planning Committee had to go on. He then took the opportunity to remind Members that when it came to the Pre-Application Consultation - agenda item no 5.5 - care should be taken not to offer a view on the application itself, but to limit any contributions to particular issues or matters of concern.

4. Minutes of Previous Meetings

The Minute of Meeting of 14 May 2019 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Strategic Development Plan for Edinburgh and South East Scotland (SESplan)	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 7 June 2019, by the Director of Education, Communities and Economy, informing the Committee of the Scottish Minister's unprecedented decision to reject the Strategic Development Plan (SDP2), and the reasons for it; and advising that SESplan were currently investigating options with a view to determining its response at a Joint Committee meeting scheduled for Monday 24 June 2019.</p>		
Summary of Discussion		
<p>The Committee, having heard from the Planning Manager, discussed the possible potential implications of the Minister's decision, it being noted that whilst there was likely to be little immediate impact, it could have implications in the future, albeit the progression of new Planning legislation would hopefully offer some clarity on such matters. Additionally the SESplan response would become clearer following Monday's Joint Committee meeting</p>		
Decision		
<p>After further discussion and questions to the Officers, the Committee agreed:-</p> <ul style="list-style-type: none">a) to note the Scottish Minister's decision to reject the Strategic Development Plan (SDP2); andb) to receive a further update once the SESplan Joint Committee had considered its options and determined a course of action.		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.2	Proposed Developer Contributions Committee	Mike Broadway
Executive Summary of Report		
<p>With reference to paragraph 7.4 of the Minutes of Midlothian Council of 7 May 2019, there was submitted report, dated 6 June 2019, by the Director, Resources, examining the possible establishment of a proposed Developer Contributions Committee following the motion agreed at the last Council meeting.</p> <p>The report which would also be going to the June Council meeting recommended that Council agree that the proposal to explore the possible establishment of a Developer Contribution Committee be included within the remit of a suggested Short Term Elected Members Working Group to review Standing Orders.</p>		

Decision
The Committee, having heard from the Clerk, noted the report.

Agenda No	Report Title	Presented by:
5.3	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 7 June 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:
5.4	Appeals and Local Review Body Decisions	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted a report dated 7 June 2019 by the Director, Education, Communities and Economy detailing the outcome of three appeal decisions determined by Scottish Ministers and advising that there were no outstanding Local Review Body (LRB) decisions to report to Committee.

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

- Dated 13 May 2019, dismissing an appeal by Mr I Macintosh against refusal of planning permission for the erection of dwellinghouse and garage at Land to the rear of 180 Main Street, Pathhead (18/00567/DPP) and refusing planning permission;
- Dated 23 May 2019, upholding an appeal by Mrs C Walters against refusal of planning permission for the erection of dwellinghouse, formation of access and car parking and associated works at 3 Eskview Villas, Eskbank, Dalkeith (18/00760/DPP) and granting planning permission, subject to conditions; and

- Dated 3 June 2019, upholding an appeal by SC Dalkeith Limited against refusal of planning permission for the erection of two drive-through restaurants; formation of access and car parking and associated works at Land south west of Tesco Superstore, Hardengreen, Dalkeith (18/00181/DPP) and granting planning permission, subject to conditions, and a legal agreement.

Councillor Milligan express his grave disappointment regarding the decision to uphold the appeal for two drive-through restaurants at. Land south west of Tesco Superstore, Hardengreen, Dalkeith.

Decision

The Committee noted the outcome of the appeals determined by Scottish Ministers.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.5	Proposed Residential Development with Associated Access, Drainage Infrastructure and Open Space on Land at the Former Wellington School, Penicuik (19/00252/PAC).	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted report, dated 7 June 2019, by the Director, Education Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development and associated access, drainage infrastructure and open space at land at the former Wellington School, Penicuik (19/00252/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.

Decision

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

- (a) The provisional planning position set out in the report; and
- (b) 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:
5.7	Application for Planning Permission in Principle for Class 4 (Business) Uses with Ancillary Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink) Uses; Residential Development; and Associated Access, Parking, Landscaping and Drainage Infrastructure at Land to the North of Hardengreen House, Dalkeith (19/00099/PPP).	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 proposed development, noted the relevant development plan policies as set out in the Midlothian Local Development Plan 2017.

Decision

The Committee agreed to refuse planning permission for the following reason:-

- The proposed residential use is not in accordance with site e11's allocation in the development plan for Class 4 (Business) and Class 5 (General Industry) uses. The proposal is therefore contrary to policy 2 of the Edinburgh and South East Scotland Strategic Development Plan 2013; and to policies STRAT1 and ECON1 of the Midlothian Local Development Plan 2017.*
- The land not forming part of allocated site e11 is within the green belt. The proposed development does not comply with any of the justifications for development set out in policy ENV1 of the Midlothian Local Development Plan 2017. The proposal is therefore contrary to policy 12 of the Edinburgh and South East Scotland Strategic Development Plan 2013; and to policy ENV1 of the Midlothian Local Development Plan 2017.*
- It has not been demonstrated that the site can be drained of surface water in a manner that complies with Scottish Planning Policy, Scottish Water guidance and Network Rail requirements. The proposal is therefore contrary to policy ENV10 of the Midlothian Local Development Plan 2017.*

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.8	Section 42 Application to Amend Condition 9 of Planning Permission 14/00203/DPP (to extend the time period for completion of the infilling of land by a further 36 months) at Land between Pentland Burn and the A720 City Bypass, Pentland Road, Damhead (19/00223/S42).	Peter Arnsdorf

Outline of report and summary of discussion

With reference to paragraph 2 of the Appendix to the Minutes of 26 August 2014, there was submitted report, dated 7 June 2019, by the Director, Education, Communities and Economy concerning the above application.

Decision

The Committee, having heard from the Planning Manager, agreed to grant planning permission for the following reason:

The proposed re-engineering of the ground levels will improve the condition of the land for agricultural use, will introduce an area of improved wetland habitat, will have no long term adverse impacts upon landscape quality or ecological value of the site, and any adverse impacts upon traffic or residential amenity will be both of an acceptable level and of a temporary nature. The proposal therefore complies with the policies of the Midlothian Local Development Plan 2017.

subject to the detailed conditions set out in the report.

Action

Planning Manager

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With reference to item 3 above, Councillor Wallace, having declared a non-pecuniary interest in the following item of business, left the meeting at 1.30 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.9	Application for Planning Permission for the Erection of Dwellinghouse/Café and Amenity Building; the Siting of five Yurts; the Formation of Pond and Associated Works on Land At Netherton, East of the A701, Penicuik (18/00741/DPP).	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted report, dated 7 June 2019, by the Director, Education, Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, discussed the proposed development, giving particular consideration to both the relevant planning policies, and also the representations and consultation responses that had been received; details of which were contained in the report. It being acknowledged that the scale and siting of the proposed development, along with the location of the car parking were both in keeping with the scale of the Netherton low density rural housing site and provided as much privacy as possible for the occupants of the neighbouring properties. Issues to do with clear on-site signage would be taken up with the applicant separately by the Planning Manager.

On a separate but related issue raised by Members regarding Planning Committee Site Visits, the Clerk advised that a site visit could be requested by any Member in advance, either as part of the 'call-in' process or once the agenda papers had been issued, as in this particular instance neither of these events had occurred, no such visit had been arranged. The Clerk undertook to re-circulate the procedures so all Members were clear how to request a site visit in the future.

Decision

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

The character and appearance of the development are in keeping with the character of the surrounding area. Due to the scale and nature of the development it will not have a significant detrimental impact on the amenity of local residents. The proposal complies with the aims of policies RD2 and VIS2 of the Midlothian Local Development Plan 2017.

subject to the detailed conditions set out in the report.

Action

Planning Manager/Clerk

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting will be held on Tuesday 27 August 2019.

The meeting terminated at 1.44 pm