

Minute of Meeting



Planning Committee

Date	Time	Venue
10 January 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Coventry
Councillor Johnstone	Councillor Milligan
Councillor Montgomery	Councillor Pottinger
Councillor Rosie	Councillor Russell
Councillor Wallace	Councillor Young

1 Apologies

Apologies received from Councillors Bennett, Constable, de Vink, Imrie, Muirhead and Parry.

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 30 August 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Planning Performance Framework Annual Report 2015/16	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 December 2016, 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 2015-16.

The report advised that in the feedback report on the fifteen 'performance markers' (a copy of which was appended to the report), four had been rated as "green" giving no cause for concern; four were rated "amber" where areas for improvement had been identified; and five had been rated "red" where specific attention was required.

Summary of Discussion

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, albeit there remained some nervousness nationally about the use of the 'traffic light' grading system and its ability to take account of particular local circumstances.

With regards to those areas rated “red”, measures were already in place to address many of the issues that had been raised, for example, the Council’s Processing Agreement template was being reviewed with a view to it being published on the Council’s website early in 2017, procedures were also now in place to reduce the number of legacy cases/stall sites, to seek earlier discussions with applicants with regards developer contributions, and to conclude the legal agreement process within six months of the date of a resolution to grant planning permission.

With regards the Midlothian Local Development Plan (MLDP), Scottish Ministers had appointed a team of three reporters, who were currently in the process of conducting an initial examination of the Plan. This should hopefully conclude late spring/early summer, following which there may be hearings on some specific subjects, although it was hoped to be able to resolve the majority of any issues by way of written submissions.

Decision

After further discussion, the Committee noted:-

- (a) the feedback received from Scottish Government to the Council’s submitted Planning Performance Framework for 2015/16;
- (b) the specific actions being undertaken to address specific matters of concern; and
- (c) the current position with, and likely timescales for progression of, the MLDP.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.2	Use of the Planning System to Support and Promote Public Policy: Correspondence from COSLA and Scottish Government	Ian Johnson

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 31 May 2016, there was submitted report, dated 4 January 2017 by the Head of Communities and Economy, updating the Committee on correspondence received from COSLA and the Scottish Government in response to concerns raised by the Committee in relation to the operation of the planning system and its role in promoting public policy. This followed a Scottish Government Reporter’s planning appeal decision, granting planning permission for a hot food takeaway in close proximity to the Lasswade High School Centre where the Council operated a policy promoting healthy life styles and healthy eating, in accordance with Scottish Ministers policies on health living.

Summary of Discussion

The Committee heard from the Head of Communities and Economy, who in speaking to the report, advised that the Scottish Government had just issued 'Places, people and planning' a consultation paper on the future of the Scottish planning system, which would be the subject of a report to the next Planning Committee meeting.

Members' in discussing the report, expressed disappointment that the responses received from both COSLA and the Scottish Government failed to address the concerns that they had raised, although the letter from the Chief Planners Office did contain some useful advice which would be taken on board in finalising the Midlothian Local Development Plan.

Whilst the need for a planning appeal system was acknowledged, the way in which appeals were currently being conducted drew considerable comment. The feeling being that insufficient weight appeared to be being given to the views of the Council, local Members and other local representations in reaching the determinations. This was leading to appeal decisions such as the one in Bonnyrigg and others in Penicuik, for example, which failed to take cognisance of particular local circumstances. The view of the Committee was that the Council would be much better placed, and more locally accountable, to determine such appeals.

Decision

After further discussion, the Committee:-

- (a) welcomed the consultation paper on the future of the Scottish planning system, which it was noted would be the subject of a further report;
- (b) to write directly to the appropriate Scottish Ministers regarding concerns about aspects of the current planning appeal system; and
- (c) To otherwise note the report.

Action

Head of Communities and Economy

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

Executive Summary of Report

There was submitted report, dated 21 December 2016 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.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2017; and
- (b) To note the updates for each of the applications.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Appeal and Local Review Body Decisions	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 December 2016, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meetings in September, October and November 2016, and advising of the outcome of two appeal determined by Scottish Ministers.

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

- dated 18 November 2016, upholding an appeal by Mr P Sweeney against refusal of advertisement consent for the display of non-illuminated signage (retrospective) at 21 The Square, Penicuik (16/00407/ADV) and granting advertisement consent subject to the standard conditions for the display of advertisements specified in the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; and
- dated 12 December 2016, dismissing an appeal by Mr G Forsyth and Mr P Vaughan against refusal to grant a certificate of lawfulness for the use of outbuilding and adjacent outdoor space as boarding kennels at The Smithy, Mossend, Gorebridge (16/00368/CL) and refusing to issue the certificate sought.

Summary of Discussion

The Committee, having heard from the Planning Manager, discussed the Reporter's decision to grant retrospective advertisement consent for the display of non-illuminated signage at 21 The Square, Penicuik. Members were concerned, not only by the potential implications arising from the decision itself, but also that insufficient weight appeared to be being given by the Reporters to the views of the Council, local elected Members and other local representations in reaching their determination. The feeling being that the Council would be much better placed, and more locally accountable, to determine such matters.

Decision

- (a) To note the decisions made by the Local Review Body at its meetings on 6 September, 26 October and 29 November 2016; and
- (b) To note the outcome of the appeals determined by Scottish Ministers

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Pre Application Consultation - Proposed Residential Development at Land to the East of the Junction of Greenhall Road and Barleyknowe Road, Gorebridge (16/00830/PAC)	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 3 January 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development at land to the east of the junction of Greenhall Road and Barleyknowe Road, Gorebridge (16/00830/PAC).

The report advised that in accordance with the pre application consultation procedures approved by the Committee at its meeting on 7 October 2014 (paragraph 3, Page 4-199 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 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

Having heard from the Planning Manager, Members expressed concern regarding the prominent nature of the proposed development site which was highly visible, and which was not included in either the existing or emerging Local Plan. Questions were also raised regarding ground conditions/stability issues, which could have a major impact on any potential development at this particular location. Other issues included the close proximity to the neighbouring primary school and also the ability of the local road network, particularly the Greenhall Road/ Barleyknowe Road junction, to cope with the volume of additional vehicular movements likely to be generated should such a development proceed.

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/Democratic Services

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of a Research and Imaging Facility and associated outbuilding, generator and sub-station; and Associated Works at Land at Easter Bush South, Easter Bush, Roslin (16/00472/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 December 2016, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

The Committee, having heard from the Planning Manager, discussed a suggestion that consideration be given to possibly linking transport improvements for cyclists and pedestrians into the Council's Sustainable Travel Plan to see if they could be offered a more direct route to the proposed development.

Decision

That planning permission be granted for the following reason:

By virtue of its scale, location, design and use the proposal complies with policies RP1, RP2, RP3 and RP4 of the Midlothian Local Plan and policies STRATS, ECON2 and IMP2 of the Proposed Midlothian Local Development Plan 2014.

subject to:

- (a) the prior signing of a legal agreement to secure the provision of developer contributions towards A701 Relief Road and A702 Link; and A701 public transport, walking and cycling improvements. The legal agreement shall be concluded prior to the issuing of the planning permission. The applicants will be given a 6 month time period to work with Midlothian Council to conclude the agreement with the sanction of the Committee reconsidering the application and potentially refusing permission if the applicant does not conclude the agreement; and

(b) the following conditions:-

1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i notwithstanding that delineated on docketed drawings, existing and finished ground levels and floor levels for all buildings, open spaces, SUDS and roads in relation to a fixed datum;
 - ii proposed new planting in areas of open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - iii location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - iv schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - v programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed within six months of the buildings being completed or occupied, whichever is sooner. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vi drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - vii proposed car park configuration and surfacing; and
 - viii proposed cycle parking facilities.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (v). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policy DP2 of the Midlothian Local Plan and national planning guidance and advice.

2. Development shall not begin until details, and if requested samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DP2 of the Midlothian Local Plan and national planning guidance and advice.

3. The use of the buildings erected on the site shall be for uses within Class 10 (Non-Residential Institution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 unless otherwise approved by the planning authority.

Reason: *To ensure that the uses of the buildings are for the purposes applied for in order to meet the structure Plan Strategic economic land requirements.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission for the Erection of Retail Unit, Formation of Access and Car Parking at Land South West of Tesco Superstore, Dalkeith (16/00618/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 December 2016, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

Having heard from the Planning Manager, the Committee discussed the potential impact that the proposed store would have on the vitality and viability of both Dalkeith and Bonnyrigg town centres. It being felt that a retail development of this nature would be much better suited to a town centre location. Concerns were also expressed regarding the appropriateness of the proposed site for such a development, the loss of landscaping along the sites boundary and the overall design of the proposed building. The apparent reliance on the adjoining supermarket was also of concern giving the pressures that supermarkets were currently facing, as was the additional traffic likely to be generated, which would add to an already extremely busy road network in the area.

Decision

After further discussion , the Committee agreed that planning permission be refused for the following reasons:

1. The application site is not one of the acceptable types of locations for retail development, as specified in the sequential town centre first approach identified in the Scottish Planning Policy and policy SHOP5 of the adopted Midlothian Local Plan. It has not been demonstrated, to the satisfaction of the Planning Authority, that the site is appropriate for the proposed use, in that the site complies with the sequential town centre first approach, and that

there are no other more sustainable or suitable sites which could accommodate the development more appropriately.

2. It has not been demonstrated, to the satisfaction of the Planning Authority, that the operation of the proposed retail unit would not undermine the vitality and viability of either Dalkeith or Bonnyrigg town centres.
3. For the above reasons the proposal is contrary to Scottish Planning Policy, policy 3 of the Strategic Development Plan and policy SHOP5 of the adopted Midlothian Local Plan.
4. The application site is not located within a neighbourhood shopping centre and, therefore, the development is contrary to policy SHOP7 of the adopted Midlothian Local Plan.
5. As a result of its size and design, finishing materials, position on the site and lack of opportunities for landscaping the proposed development will have a significant detrimental impact on the visual amenity of the area, contrary to the terms of Scottish Government policy on Creating Places and policy RP20 of the adopted Midlothian Local Plan.
6. The proposed development would result in the loss of landscaping, which is important in the definition of the settlement boundary where it abuts the A7 road. The hedge and trees also provide effective screening of the nearby superstore and the large area of associated car parking. There is inadequate room within the site to accommodate sufficient landscaping to mitigate for this loss. The impact on the hedge and trees and lack of replacement planting will have a detrimental impact on visual amenity and as such the proposed development is contrary to policies RP5, RP7 and DP2 of the adopted Midlothian Local Plan.

Action

Head of Communities and Economy

The meeting terminated at 3.07pm.