

Minute of Meeting

Planning Committee
Tuesday, 4 June 2024
Item 4.1



Planning Committee

Date	Time	Venue
Tuesday 30 April 2024	13:00	Council Chambers, Midlothian House/Hybrid

Present:

Councillor Alexander	Councillor McManus
Councillor Bowen	Councillor Milligan
Councillor Cassidy	Councillor Parry (virtual)
Councillor Curran	Councillor Pottinger (virtual)
Councillor Imrie (Chair)	Councillor Russell
Councillor McCall (virtual)	Councillor Scott
Councillor McEwan	Councillor Virgo
Councillor McKenzie	Councillor Winchester

In Attendance:

Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Kevin Anderson	Executive Director Place
William Venters	Principal Solicitor
Grace Cowan	Head of Primary Care & Older People's Services (Virtual)
Gary Leadbetter	Democratic Services Officer
Hannah Forbes	Assistant Democratic Services Officer

1. Welcome, Introduction and Apologies

The Chair welcomed everyone to the meeting of the Planning Committee.

2. Order of Business

As per the Agenda.

3. Declarations of interest

Councillor McManus and Councillor McCall each made a declaration of transparency in relation to Item 5.5, noting that multiple members of the community have approached them both about this matter.

Councillor Pottinger made a declaration of transparency in relation to Item 5.3, noting that they have spoke to a number of constituents in the past about this matter.

4. Minutes of Previous Meetings

4.1 The Minute of the Planning Committee Meeting of 12 March 2024 was submitted and approved as a correct record.

4.2 The Action Log was noted.

5. Reports

Agenda No	Report Title	Submitted by:
5.1	Development Plan Scheme for Midlothian Number 16 (DPS 16)	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>The Planning, Sustainable Growth and Investment Manager presented the report. The report seeks approval for the Development Plan Scheme for Midlothian number 16 (DPS16). Preparation of the Development Plan Scheme is a statutory requirement. Each year local planning authorities are required to prepare, publish and submit a DPS to Scottish Ministers setting out their intentions with respect to reviewing the development plan for their area over the coming 12 months.</p> <p>It is recommended that the Committee:</p> <ul style="list-style-type: none">a) Approves the Development Plan Scheme for Midlothian number 16 (appended to the report);b) Instructs the Planning, Sustainable Growth and Investment Manager to arrange for publication of the Development Plan Scheme for Midlothian number 16 on the Council's website, have copies placed in all Midlothian public libraries and has a copy submitted to Scottish Ministers for their information:		

- c) Authorises the Planning, Sustainable Growth and Investment Manager to make any necessary non-material changes to documents prior to publishing.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.

It was queried whether this was the final chance the Elected Members would have to consider the Scheme. The Planning, Sustainable Growth and Investment Manager explained that this Item was just an annual update and that Elected Members still have to make the decision of future housing numbers and detailed policies for the next Local Plan.

In relation to page 27 of the report and concerns on the future of Beeslack High School, further clarification was requested on what the land can be used for. The Planning, Sustainable Growth and Investment Manager explained that this information would come in time when the Council works through its decision making for the future of Beeslack High School.

A question was raised in relation to self-build housing and the plan around this. The Planning, Sustainable Growth and Investment Manager explained that, in terms of working through the next Local Plan the next stage would be to decide whether there should be a policy on self-build proposals. It was noted that it is unknown at the current time whether there is actual interest in this, although it was highlighted that there were a dozen entries on the register which suggested that there is an interest. As such, it was recommended that there is a need for a policy around this. The Chair stated that a policy line could perhaps be placed on the MDLP 2.

Decision

The recommendations were approved unanimously.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.2	Short-term Lets and the Planning System	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of the report is to inform the Committee of the role the Planning System has in regulating, or not, short-term lets. The report was requested by the Council's Local Review Body (LRB) at its meeting of 25 March 2024.</p> <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager and opened it up for questions.</p> <p>In relation to a question around planning permission and short-term lets, the Planning, Sustainable Growth and Investment Manager explained that when</p>		

something is labelled a short-term it does not automatically mean that it requires planning permission. There is a need to look at the consequence of this labelling.

It was noted that the overlap between the licensing function and planning function is considerable and that is perhaps labour intensive to have planning and licensing meetings to consider a short-term let. It was queried whether, as such, an ad-hoc planning and licensing meeting could be held together. The Chair queried whether this matter could be deferred to officers to consider. The Chief Officer Place stated that they were happy to look at this but explained that this would be difficult as one property might need to be considered by the Planning Committee, Licensing Board and the General Purposes Committee. It was also noted that different legislation would need to be considered as well, meaning that it would have to be different forums.

In relation to paragraph 5.5 of the report and the presumption in favour of short-term lets, it was queried how this would affect housing stock and the availability of letting or long-term lets in the future, given the housing shortage. It was asked whether there were figures on how many short-term lets there were currently. The Planning, Sustainable Growth and Investment Manager stated that they did not have this data to hand yet noted that they were nowhere near the levels of Edinburgh or other big cities in terms of it being a problem. It was noted that if it were to become a problem then the Council can instigate control areas.

Decision

Look at how an application is dealt with where it might be required to be looked at by different committees/boards/forums, etc.

Action

Planning, Sustainable Growth and Investment Manager / Chief Officer Place

Agenda No	Report Title	Submitted by:
5.3	Confirmation of a Tree Preservation Order for a Group of Trees at Land North of the Old Golf House, Newbattle, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Councillor Cassidy declared an interest in the Item and left the meeting.</p> <p>The Chair noted than an email had been received from a member of the public regarding this item and that this had been distributed to the Elected Members.</p> <p>The Planning, Sustainable Growth and Investment Manager presented the report. The report seeks the Committee's approval to confirm a Tree Preservation Order 2 of 2024 issued on 18 January 2024 regarding one group of trees at land north of the Old Golf House, Newbattle, Dalkeith.</p>		

It is recommended that the Committee:

- a) Confirm the Tree Preservation Order (2 of 2024) for one group of trees at land north of Old Golf House, Newbattle, Dalkeith; and
- b) Instruct the Planning, Sustainable Growth and Investment Service Manager to carry out the necessary procedures, following confirmation and endorsement of a tree preservation order, which are required by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.

It was queried what the Council's position was in terms of following up on trees that may have been filled with weedkiller. The Planning, Sustainable Growth and Investment Manager noted that some of the felling has been taking place for a while, noting that there was a report presented to the Planning Committee on this in November, which authorised a report being made to the procurator fiscal for prosecution. In terms of the trees that have been damaged, it was explained that these are being monitored and that it is slightly too early to determine if they will recover. Due to the damage caused so far, the Council has stipulated that trees must be replanted. It was further noted that depending on the outcome of the monitoring activity the prosecution can be amended if need be.

Councillor Cassidy returned.

Decision

The recommendations were approved unanimously.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.4	24/00119/PAC – Pre-application Consultation for a Mixed Use Development including Class 1A (shops, financial, professional and other services); Class 11 (assembly and leisure) and Class 4 (business); and associated infrastructure, car parking, servicing, access arrangements and landscaping and land 90m South West of Asda Petrol Filing Station, Loanhead	Chief Officer Place
Outline of Report and Summary of Discussion		
The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report is to advise the Committee of the submission of a Proposal		

of Application Notice (PAN) and corresponding pre-application consultation for a mixed-use development including Class 1A (shops, financial, professional and other services), Class 11 (assembly and leisure) and Class 4 (business); and associated infrastructure, car parking, servicing, access arrangements and landscaping at land 90m south west of Asda Petrol Filling Station, Loanhead.

The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

It is recommended that the Committee notes:

- a) The provisional planning position set out in the 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.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.

It was requested that, if the application is to come forward, details of the road network disruption that would result from the development are shared with the Committee.

A question was raised in relation to high pressure water pipes on the land and whether this needed to be considered. The Planning, Sustainable Growth and Investment Manager explained that there was some work undertaken on the site previously which addressed this.

Decision

Action

Agenda No	Report Title	Submitted by:
5.5	23/00791/DPP – Application for the Erection of 12 Flatted Dwellings on Land at Windsor Square, Penicuik	Chief Officer Place

Outline of Report and Summary of Discussion

The Planning, Sustainable Growth and Investment Manager presented the report.

The purpose of the report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for a mixed-use development including Class 1A (shops, financial, professional and other

services), Class 11 (assembly and leisure) and Class 4 (business); and associated infrastructure, car parking, servicing, access arrangements and landscaping at land 90m south west of Asda Petrol Filling Station, Loanhead.

The pre application consultation is reported to the Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

It is recommended that the Committee notes:

- a) The provisional planning position set out in the 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.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up for questions.

Questions were raised in relation to the potential of flooding at the site and the availability of parking. The Planning, Sustainable Growth and Investment Manager explained that policy requires there to be 12 parking units, but the development is proposing 20 parking units. In terms of drainage or flooding arrangements, the Planning, Sustainable Growth and Investment Manager noted that new development sites are supposed to mitigate this and that there will be new drainage.

The Chair explained that if this development is not approved today then it will revert back to the previous application for 12 flats which was approved in 2021. It was noted that the difference is that the current proposal is for modular build units.

It was queried whether a condition could be placed on the development to ask that the properties were let to over 55-year-olds. The Planning, Sustainable Growth and Investment Manager stated that whilst this is possible the developer is an affordable housing provider so it targets need and works with the Council to do so as a Registered Social Landlord. As such, the Planning, Sustainable Growth and Investment Manager recommended that the Council do not apply such a condition.

Decision

Councillor McEwan moved the recommendations, seconded by Councillor Winchester.

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No items for discussion

7. Date of Next Meeting

The next meeting will be held on Tuesday, 4 June 2024 at 1:00 pm.

The meeting terminated at 13:43 pm.