

Minute of Meeting

Planning Committee
Tuesday 12 March 2024
Item No 4.1



Planning Committee

Date	Time	Venue
Tuesday, 28 November 2023	13:00	Council Chambers, Midlothian House/Hybrid

Present:

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

In Attendance:

Kevin Anderson	Executive Director Place (Attended virtually)
Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
William Venters	Principal Solicitor
Morag Barrow	Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB (Attended virtually)
Lucy Roddie	Democratic Services Officer
Gary Leadbetter	Democratic Services Officer

1. Apologies

No apologies for absence were received.

2. Order of Business

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

3. Declarations of interest

Councillor McManus made a declaration of transparency in relation to Item 5.4. Councillor McManus reported that he had previously sat on the Newbattle Abbey College board. The land in question within the Eskbank and Ironmills Conservation Area is adjacent to Newbattle Abbey College.

Councillor Cassidy declared an interest in Item 5.4 and would leave the meeting during the discussion.

Councillor Scott declared an interest in Item 5.6 and would leave the meeting during the discussion.

4. Minutes of Previous Meetings

The minute of the meeting of 31 October 2023 was submitted for approval.

In relation to the discussion that took place around Item 5.6, Councillor McCall asked how access to the care home amenities would be safeguarded for the general public. In response, Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, reported that the Planning Committee had granted planning permission subject to the addition of a condition which would safeguard access to care home amenities for local residents.

Councillor Smaill sought confirmation that once the Local Development Plan is approved by the Council, Councillors may not speak against it or have any further dialogue with community councils and others. In response, Peter Arnsdorf provided further information on the Local Development Plan process and noted that once the Council have adopted the Local Development Plan, this constitutes the Council's formal strategy. After adoption, Elected Members are still permitted to discuss the Local Development Plan with all parties.

In relation to the discussion that took place on Item 5.6, Councillor McKenzie clarified that the waste services he was referring to related to the retail units. The minute will be amended for accuracy.

The minute of the meeting of 31 October 2023 was approved subject to the amendment as noted above. Moved by Councillor Pottinger, seconded by Councillor Virgo.

5. Reports

Agenda No	Report Title	Submitted by:
5.1	MLDP2 Engagement - Position Update	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to present a summary of the evidence collated (to date) in response to the Midlothian Local Development Plan 2 (MLDP2) engagement programme, which has been ongoing since the launch of the local development plan review in February 2023. In addition, the Committee is requested to start considering an indicative Local Housing Land Requirement (LHLR).</p> <p>It is recommended that the Committee notes:</p> <ul style="list-style-type: none">a) the evidence collated to date in response to the Midlothian Local Development Plan 2 engagement programme; andb) the issues set out with regard the indicative Local Housing Land Requirement (LHLR). <p>Councillor Imrie, the Chair, thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Discussion took place around affordable housing provision, with Peter Arnsdorf providing further information in relation to the requirements of the Local Development Plan. An allocation of 25% affordable housing is currently required, but NPF4 will enable a higher percentage of development to be allocated to affordable housing provision. Councillor Alexander raised concerns around the length of the housing waiting list and suggested the percentage allocation should be significantly higher.</p> <p>Discussion took place around the format of affordable housing. It was noted that much of the provision is in the form of one or two bedroom flats and it was suggested that a range of property sizes should be offered. In response, Peter Arnsdorf commented that provision reflects demand and assured the Committee that housing waiting lists are reviewed to ensure need is met.</p> <p>Discussion took place around the definition of affordable housing with the Committee noting that a further conversation regarding affordable housing requirements would be useful. Peter Arnsdorf commented that the definition of affordable housing is set out in NPF4.</p> <p>Discussion took place around the requirement for development to be adequately supported by infrastructure. Some discussion took place around growth emanating from Edinburgh. It was suggested that the Midlothian Council should work in collaboration with City of Edinburgh Council to ensure growth was adequately supported.</p>		
Decision		

The Planning Committee agreed to note the evidence collated to date in response to the Midlothian Local Development Plan 2 engagement programme, and the issues set out with regard the indicative Local Housing Land Requirement (LHLR).

Action

All

Agenda No	Report Title	Submitted by:
5.2	Planning Performance Framework Annual Report 2022/23	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report provides an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian. Specifically, it provides feedback from Scottish Government on the Council's submitted PPF for 2022/23.</p> <p>It is recommended that the Committee notes the feedback from Scottish Government on the Council's submitted PPF for 2022/23.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.</p>		
Decision		
The Planning Committee noted the feedback from Scottish Government on the Council's submitted Planning Performance Framework (PPF) for 2022/23.		
Action		
All		

Agenda No	Report Title	Submitted by:
5.3	Listed Building Enforcement Appeal Decision regarding installation of signage, vinyl graphics and change of colour at 118 High Street, Dalkeith (USA Nails)	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to advise the Committee of a listed building enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).</p>		

It is recommended that the Committee notes the enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).

The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.

Decision

The Planning Committee noted the enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.4	Wilful destruction of trees within the Eskbank and Ironmills Conservation Area and the non-compliance with a Planning Contravention Notice issued in relation to land adjacent to Old Golf House, Eskbank, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Given their declaration of interest, Councillor Cassidy left the Planning Committee meeting for this Item.</p> <p>At this point, Councillor Pottinger made a declaration of interest and left the Planning Committee for this Item.</p> <p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report relates to the wilful destruction of trees within the Eskbank and Ironmills Conservation Area and the non-compliance with a planning contravention notice issued in relation to land adjacent to Old Golf House, Eskbank, Dalkeith.</p> <p>It is recommended that the Planning Committee determine to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action pursuant to Sections 126 and 172 of the Town and Country Planning (Scotland) Act 1997 as amended.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Parry stated that she fully supported appropriate action being taken and asked if it would be possible to re-plant the felled trees. Mr Arnsdorf reported that the Council can issue a re-planting notice, once a dispute regarding the ownership of land is resolved.</p>		

Councillor Bowen noted there were lengthy delays to prosecutorial action and asked if this case could be expedited. In response, Derek Oliver Chief Officer Place, commented that this would be at the discretion of the Crown Office and Procurator Fiscal Service.

Moved by Councillor Virgo. Seconded by Councillor Parry.

Decision

The Planning Committee instructed the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action pursuant to Sections 126 and 172 of the Town and Country Planning (Scotland) Act 1997 as amended.

Action

The Planning, Sustainable Growth and Investment Manager

Councillor Cassidy and Councillor Pottinger re-entered the Chamber at 13.43.

Agenda No	Report Title	Submitted by:
5.5	23/00657/PAC – Pre-application consultation regarding remediation works to proposed education campus: including site remediation, formation of hardstanding, site platforming and provision of site access, utilities/services and drainage at the site of the former Monktonhall Colliery, Newton Village, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced 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 remediation works to the proposed education campus: including site remediation, formation of hardstanding, site platforming and provision of site access, utilities/services and drainage. The land comprises part of the former Monktonhall Colliery, Newton Village, which is located within the Shawfair new settlement area.</p> <p>It is recommended that the Committee notes:</p> <ul style="list-style-type: none"> 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. <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p>		

Councillor Curran reported that a local constituent had raised a concern regarding the proximity of the proposed education campus to a recycling plant. Mr Arnsdorf provided reassurances that the site would be thoroughly assessed for suitability as part of the detailed planning application.

Councillor Curran raised safety concerns in relation to the requirement to cross the A6106 road to reach the campus. Mr Arnsdorf provided reassurances that safe routes to school would be considered as part of the detailed planning application.

Councillor Virgo noted that a decision had not yet been made with regards to the capital commitment to Shawfair High School and was therefore reluctant to make a decision at this stage. In response, Mr Arnsdorf noted that this was a pre-application only, and the Committee's view would not fetter consideration of any subsequent formal planning application.

In response to a question from Councillor Scott, Peter Arnsdorf confirmed that condition 26 of planning permission 17/00650/S42 had been carried forward.

Decision

The Planning Committee noted:

- 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.

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.6	23/00662/PAC – Pre-application consultation regarding extension to existing quarry; retention of processing plant; installation of ancillary equipment and associated works at Temple Quarry, Gorebridge	Chief Officer Place

Outline of Report and Summary of Discussion

Given their declaration of interest Councillor Scott left the Planning Committee meeting for this Item.

At this point, Councillor Smail made a declaration of interest and left the Planning Committee for this Item.

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced 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 an extension to an existing quarry; retention of processing plant; installation of ancillary equipment and associated works at Temple Quarry, Gorebridge.

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 Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.

Decision

The Committee noted:

- 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.

Action

The Planning, Sustainable Growth and Investment Manager

Councillor Smail and Councillor Scott re-entered the Chamber at 13.55.

Agenda No	Report Title	Submitted by:
5.7	23/00532/S42 – Amendment to phasing regarding the redevelopment of the Midlothian Snowsports Centre to enable construction on site whilst the access is being constructed	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report is a Section 42 application (23/00532/S42) to amend Condition 11 (phasing of construction works relative to site access enabling works) imposed on a grant of Planning Permission (19/01018/PPP) for the redevelopment of existing Snowsports centre to include additional leisure facilities, hotel, function suite, ancillary retail and restaurant uses, formation of access road and car parking at Midlothian Snowsports Centre, Biggar Road, Hillend, to enable onsite work on the enhanced leisure and commercial facilities to commence in advance of the new access arrangements and car park being completed.</p> <p>It is recommended that planning permission is granted subject to the conditions as set out in the report.</p>		

The Chair thanked Mr Arnsdorf for the report and opened it up to questions.

Councillor Virgo commented that, while he supported the commercial advantages of certain aspects of the development, part of the proposed development was still up for discussion as part of the ongoing Capital Plan Prioritisation work, and he was therefore unwilling to endorse the proposed amendment to Condition 11 at this stage. Councillor Virgo further commented that the costs of the development had not yet been determined.

The Chair stated that the amendment to Condition 11 was required to enable works to begin on the access road and that necessary approvals for the development had already been secured. Councillor Virgo stated that this was not his understanding.

Councillor Smaill noted that the temporary traffic lights would now be required to remain in place for a longer period at additional cost. Councillor Smaill commented that no assurances had been provided that the development will reach completion. Councillor Smaill stated he was unwilling to endorse the proposed amendment to Condition 11.

Councillor Cassidy noted the importance of making a decision in order to progress the work, given the potential for the project to overrun.

Councillor Cassidy, seconded by Councillor Imrie, moved to grant planning permission subject to the conditions as set out in the report.

Councillor Virgo, seconded by Councillor Smaill, moved to reject the application for planning permission.

On a vote being taken, 3 members of the Committee voted against granting planning permission being granted. 15 members of the Committee voted in favour of granting planning permission. This then became the decision of the Committee.

Decision

The Committee granted planning permission subject to the conditions as set out in the report.

Action

The 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 23 January 2024 at 1:00pm.

The meeting terminated at 14:14.