

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 27 August 2013 at 2.00 pm.

Present:- Councillors Baxter, Beattie, Bryant, Constable, Coventry, de Vink, Imrie, Johnstone, Milligan, Montgomery, Muirhead, Pottinger, Rosie, Russell and Wallace.

Apologies for Absence: - Councillors Bennett and Thompson.

1. Chair

In the absence of the Chair, Councillor Thompson, it was agreed, on a motion by Councillor Constable, seconded by Councillor Bryant, that in terms of Standing Order 7.3, Councillor Imrie be appointed to Chair the Meeting.

2. Declarations of Interest

Councillor Constable, on behalf of the SNP Group, advised that in relation to agenda item 10(h) - Application for Planning Permission in Principle (13/00361/PPP) for the Erection of Dwellinghouse at Huntly Cot Farm, Gorebridge, that all the SNP Group Members would be declaring a non pecuniary interest and withdrawing from the meeting for the duration of this particular item.

He explained that the reason for this course of action was that it was felt on balance that there were sufficient grounds that any reasonable member of the public could call into question their impartiality given that the application was from a member of the ruling Administration.

Councillor de Vink, as the applicant, also declared an interest in agenda item 10(h), indicating that it was his intention to leave the meeting for the duration of this particular item and not to contribute to any discussion thereof.

Councillor Milligan indicated, on behalf of the Labour Group, that they would welcome advice from the Monitoring Officer in this regard, it being agreed to address this later in the meeting immediately prior to consideration of the item itself (paragraph 8 of the Appendix refers).

Councillor Rosie declared a non-pecuniary interest in agenda item 10(c) - Application for Planning Permission (13/00247/DPP) for the Erection of 17 Flatted Dwellings and Formation of Associated Access Road and Car Parking at Land to South of 1A Eastfield Drive, Penicuik (paragraph 3 of the Appendix refers), on the grounds that he had been involved in making representations. He indicated that it was his intention to leave the meeting for the duration of this particular item and not to contribute to any discussion thereof.

Councillor Montgomery declared a non pecuniary interest in Agenda item 10(b) - Application for Planning Permission (13/00239/DPP), Erection of Twelve Flatted Dwellings, Two Dwellinghouses and Formation of Associated Car Parking and Access at Land at Former Jackson Street School, Jackson Street, Penicuik (paragraph 2 of the Appendix refers) on the grounds that he was a notifiable

neighbour. However, as at no time had he offered a view on the matters now before the Committee, He therefore felt that the nature of his interest was such that he did not need to withdraw, and therefore intended to remain and participate in consideration thereof.

Sederunt

Councillors Beattie and de Vink joined the meeting during discussion of the foregoing item of business at 2.02am.

3. Minutes

The Minutes of (i) Meeting of 28 May 2013 and (ii) Special Meeting of 25 June 2013 were submitted and approved as correct records.

4. Development Management Performance Report

With reference to paragraph 4 of the Minutes of 20 November 2012, there was submitted report, dated 20 August 2013, by the Head of Planning and Development, updating the Committee on Development Management Performance against key outcome indicators for the period July 2012 to June 2013 (2012/13 Q2, Q3 and Q4, and 2013/14 Q1).

The report identified that the improvement in overall performance which had been achieved in 2012/13 had been maintained through 2013/14 (Q1) with 87% of planning applications being determined within target. This compared to 73% in 2012/13 70% in 2011/12, 65% in 2010/11 and 55% in 2009/10. In addition to the handling of planning applications, the report also highlighted the work undertaken by the Development Management team in relation to planning appeals/reviews, enforcement of planning control, the preparation of development/design briefs and responding to a wide range of associated enquiries giving planning advice to the public and others.

Decision

The Committee, having heard from the Development Management Manager:-

- (a) noted the content of the report;
- (b) agreed to receive further development management performance reports on a six-monthly basis; and
- (c) agreed to refer the report to the Performance, Review and Scrutiny Committee for its interest.

(Action: Head of Planning and Development/Legal & Secretariat Manager).

5. Planning Performance Framework

With reference to paragraph 3 of the Minutes of 20 November 2012, there was submitted report, dated 13 August 2013, by the Head of Planning and Development, advising of the outcome of the Scottish Government's consideration of Midlothian Council's Planning Performance Framework report for 2011-12.

The report advised that the feedback report (a copy of which was appended to the report) provided a helpful independent 'audit' of performance and progress, as well as some clear indications of areas for improvement, and as such, was to be welcomed as a positive statement that would assist in the preparation of the 2012/13 report.

The Committee, having heard from the Head of Planning and Development who responded to Members' questions, considered that whilst not all of the overall observations at a national level made by the Minister necessarily applied to Midlothian, the specific comments made regarding the LDP were a little harsh given the Council's good recent record. The Committee asked the Head of Planning and Development if these points could be fed back through the Heads of Planning Scotland to the Minister.

Decision

- (a) To note the feedback received from Scottish Government to the Council's submitted Planning Performance Framework 2011/12;
- (b) To agree that attention be paid to that feedback in the preparation of the Planning Performance Framework 2012/13 report submission to Scottish Government; and
- (c) To refer the report to the Performance, Review and Scrutiny Committee for its information.

(Action: Head of Planning and Development/Legal & Secretariat Manager).

6. Proposed Revision of the Council's Scheme of Delegation for the Determination of Planning Applications

With reference to paragraph 8 of the Minutes of the Council of 25 August 2009, there was submitted report, dated 20 August 2013 by the Head of Planning and Development, seeking the Committee's approval for a revised Scheme of Delegation for Planning Matters, under which specific types of planning applications were delegated to the appointed officer to determine. A copy of the revised Scheme of Delegation was appended to the report.

The Committee, having heard from the Development Management Manager, discussed the proposed changes to the Scheme of Delegation as a result of the new 2013 regulations, giving particular consideration to the 'call-in' procedures. In response to Members' comments, the Development Management Manager, briefly explained the process of how applications were determined under delegated powers and the current 'call-in' procedures. In reply to a particular question regarding Conservation Area Character Appraisals, the Head of Planning and Development outlined the current position and offered to provide a more detailed update in due course.

Decision

- (a) To approve the amended 'Revised Scheme of Delegation for the Determination of Applications for Planning Permission' as set out in Appendix A to the Head of Planning and Development's report; and

- (b) To remit the report to Council with a recommendation that the amended 'Revised Scheme' be formally submitted to Scottish Ministers for approval.

(Action: Head of Planning and Development/Legal & Secretariat Manager)

7. Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage

With reference to paragraph 4 of the Minutes of 28 May 2013, there was submitted report, dated 20 August 2013 by the Head of Planning and Development, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

The Development Management Manager advised the Committee that with regards the application for the proposed extraction of coal and fireclay by surface mining methods and restoration of site at Land at Cauldhall Moor, Penicuik (13/00105/DPP) a report on Arrangements for a possible Pre-determination Hearing would be brought forward to the October Committee meeting.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2013;
- (b) To agreed to receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Planning and Development)

8. Appeal and Local Review Body Decisions

There was submitted report, dated 20 August 2013, by the Head of Planning and Development, detailing the notices of reviews determined by the Local Review Body (LRB) and advising that there were no appeals determined by Scottish Ministers to report.

Decision

To note the decisions made by the Local Review Body at its meeting on 4 June 2013.

9. Applications for Planning Permission

Applications for planning permission were dealt with as shown in the **Appendix** hereto.

The meeting terminated at 3.13 pm.

APPENDIX

(relative to paragraph 9)

1. Application for Planning Permission (13/00328/DPP) by Taylor Wimpey East Scotland for the Erection of 127 Dwellinghouses and 28 Flats; Formation of Associated Roads and Car Parking; and Associated Works at Land to the North of Seafield Road, Bilston, Roslin.

There was submitted report, dated 20 August 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager who responded to Members' questions, discussed a number of issues arising from the report. Consideration was given in particular, to the potential impact of the proposed development on the existing transport infrastructure; education provision, both primary and secondary; and the need for developer contributions.

After further discussion, the Committee agreed that planning permission be granted for the following reason:

The development lies within the built up area of Bilston where there is a presumption in favour of development. The site is allocated for housing through policy HOUS1 of the adopted Midlothian Local Plan and a similar scheme (ref. no. 10/00135/DPP) has previously gained planning permission. The development in terms of its layout, design, form and scale accords with good design principles and accords with policies RP20, DP2, HOUS1 and HOUS4 of the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

Subject to:

- (a) the prior signing of a legal agreement to secure contributions towards education provision and community facility; and
- (b) the following conditions:
 - 1. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding ancillary structures;

- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths;
- x the specification for roads and footpath and details of proposed traffic calming features and transition zones where access road meets mixer courts; and
- xi percent for art.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority and the programme for completion and subsequent maintenance, condition 2(vi). 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 policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Prior to commencement of development samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures shall be submitted to and approved in writing by the planning authority. These materials shall also include those proposed in the area of improved quality. 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 RP20 and DP2 of the adopted Midlothian Local Plan and national planning guidance and advice.*

3. Prior to the commencement of development details of the access arrangements and haulage routes for construction traffic accessing and leaving the site shall be submitted to and approved in writing by the planning authority. Thereafter all construction traffic shall access and leave the site in accordance with the approved details.

Reason: *To ensure the safety and convenience of existing local residents and those visiting the development site during the construction process.*

4. The buildings permitted shall not be occupied or brought into use until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing, unless an alternative phasing has been agreed in writing with the planning authority. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

Reason: *To ensure the future users of the buildings have safe and convenient access to and from the site.*

5. No house shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

Reason: *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a house.*

6. Prior to the commencement of development, a scheme detailing two levels of surface water treatment shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in *The SUDS Manual (C697)*.

Reason: *To ensure adequate protection of the water environment from surface water run-off.*

(Action: Head of Planning and Development)

2. Application for Planning Permission (13/00239/DPP) by Midlothian Council, Corporate Resources for Erection of Twelve Flatted Dwellings, Two Dwellinghouses and Formation of Associated Car Parking and Access at Land at Former Jackson Street School, Jackson Street, Penicuik.

Following a site inspection visit on 26 August 2013, there was submitted report, dated 20 August 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager who responded to Members' questions, discussed the siting, form and design of the proposed development in particular. Consideration was given to the colour of the proposed buildings and their intended height of 3 storeys, as both of these issues had drawn considerable comments.

Thereafter, Councillor Montgomery, seconded by Councillor Baxter, moved that planning permission be refused in view of the likely detrimental impact that the proposed development would have on the amenity of nearby residents and the need for it to be more sympathetic to its surroundings, both in terms of its design and layout.

As an amendment, Councillor Wallace, seconded by Councillor Constable, moved that planning permission be granted subject to the conditions detailed in the Head of Planning's report, plus a further condition regarding the colour.

On a vote being taken, five Members voted for the motion and ten for the amendment which accordingly became the decision of the meeting.

The Committee thereby agreed that planning permission be granted for the following reason:-

The proposal comprises the redevelopment of a vacant, previously developed site within the settlement boundary of Penicuik where there is a presumption in favour of appropriate development. The proposed scheme of development by means of its siting, form and design accords with the provisions of the approved Edinburgh and the Lothians Structure Plan and the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

subject to:-

- (a) developer contributions towards education provision and children's play provision;
- (b) a further appropriately worded additional condition regarding the colour; and
- (c) the following conditions:
 1. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii. existing features to be retained or removed during development and in the case of damage, restored;
 - iii. proposed new planting in communal areas and open space, including trees, hedging and grassed areas;
 - iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
 - vii. drainage details, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - viii. proposed car park configuration and surfacing;
 - ix. proposed footpaths (designed to be unsuitable for motor bike use); and
 - x. 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 (vi).

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 policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until 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 RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Notwithstanding the detailed specification of materials on approved drawings, the roofing material for the flatted block adjacent to John Street shall be natural slate, details of which shall be agreed under condition 2 above.

Reason: *To preserve the character of the area and the setting of the Penicuik Conservation Area.*

4. Development shall not begin until details of the site access, internal vehicular circulation areas, footpaths, and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all vehicular surfaces in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian access;
 - iii proposed roads (including turning facilities) and footpaths;
 - iv proposed visibility splays, lighting and signage;
 - v a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
 - vi proposed car parking arrangements; and
 - vii a programme for completion for the construction of access, roads, and footpaths.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

5. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

6. Prior to the occupation of any dwelling within the site, the pedestrian link from John Street through to Jackson Street shall have been completed.

Reason: *To ensure that the development is provided with adequate pedestrian links to public transport, to schools, and to other community facilities.*

(Action: Head of Planning and Development)

Sederunt

With reference to paragraph 2 above Councillor Rosie, having declared a non-pecuniary interest in the following item of business, left the meeting at 3.01pm, taking no part in the discussion thereof.

3. **Application for Planning Permission (13/00247/DPP) by Midlothian Council, Corporate Resources for the Erection of 17 Flatted Dwellings and Formation of Associated Access Road and Car Parking at Land to South of 1A Eastfield Drive, Penicuik.**

There was submitted report, dated 20 August 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, discussed the siting, form and design of the proposed development, in particular consideration was given to the proposed height, which at 3 storeys had drawn considerable comments.

Thereafter, Councillor Constable, seconded by Councillor Wallace, moved that planning permission be granted subject to the conditions detailed in the Head of Planning's report.

As an amendment, Councillor Montgomery, seconded by Councillor Pottinger, moved that planning permission be refused in view of the likely detrimental impact of the proposed development on the amenity of nearby residents due to its height.

On a vote being taken, four Members voted for the amendment and nine for the motion which accordingly became the decision of the meeting.

The Committee thereby agreed that planning permission be granted for the following reason:-

The proposal comprises the redevelopment of a vacant area of ground previously occupied by lock up garages within the settlement boundary of Penicuik where there is a presumption in favour of appropriate development. The proposed scheme of development by means of its siting, form and design generally accords with the provisions of the approved Edinburgh and the Lothians Structure Plan and the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

subject to:-

- (a) developer contributions towards education provision and children's play provision; and
- (b) the following conditions:
 - 1. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii. existing features to be retained or removed during development and in the case of damage, restored;
 - iii. proposed new planting in communal areas and open space, including trees, hedging and grassed areas;
 - iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
 - vii. drainage details, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - viii. proposed car park configuration and surfacing;
 - ix. proposed footpaths (designed to be unsuitable for motor bike use); and
 - x. 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 (vi). 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 policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until 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 RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until details of the site access, internal vehicular circulation areas, footpaths, and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all vehicular surfaces in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian access;
 - iii proposed roads (including turning facilities) and footpaths;
 - iv proposed visibility splays, lighting and signage;
 - v a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
 - vi proposed car parking arrangements; and
 - vii a programme for completion for the construction of access, roads, and footpaths.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

4. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

***Reason:** To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

5. Prior to the occupation of any dwelling within the site, the pedestrian link through the site shall have been completed to an adoptable standard with street lighting.

***Reason:** To ensure that the development is provided with adequate pedestrian links to public transport, to schools, and to other community facilities.*

(Action: Head of Planning and Development)

Sederunt

Councillor Rosie rejoined the meeting upon the conclusion of the foregoing item of business at 3.06pm.

4. **Application for Planning Permission (13/00136/DPP) by Cadzow Properties for the Change of Use of the Old Meal Market Public House (Sui Generis) to Bookmakers (Class 2: Financial and Professional Services) and Two Flatted Dwellings at 2 - 4 St Andrew Street, Dalkeith.**

There was submitted report, dated 20 August 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager who responded to Members' questions, discussed the historic nature of the building; the concentration of three bookmaker's premises within such close proximity and the potential effect this might have on the town centre; and the issue of over provision.

Thereafter, Councillor Russell, seconded by Councillor Constable, moved that planning permission be refused on the grounds of over provision, there already being two bookmakers within 30 metres of the application site; such a concentration being potentially detrimental to the vitality of the town centre.

As an amendment, Councillor Milligan, seconded by Councillor Imrie, moved that planning permission be granted subject to the conditions detailed in the Head of Planning's report.

On a vote being taken, seven Members voted for the amendment and seven for the motion. There being an equality of votes, the Chair exercised his casting vote in favour of the amendment, which accordingly became the decision of the meeting.

The Committee thereby agreed that planning permission be granted for the following reason:-

The proposed development would not detract materially from the character or amenity of the built up area or from the vitality and viability of the town centre and as such complies with policies RP20, RP24 and SHOP1 of the adopted Midlothian Local Plan.

subject to the following conditions:

1. The operating hours of the bookmakers shall be within the period 8am to 10pm.

Reason: *To allow the planning authority to retain control over the hours of operation; to protect the amenity of the residential properties.*

2. Prior to the commencement of development, details of secondary double glazing to be installed on the window openings identified in green on the approved floor plans shall be submitted to and approved in writing by the planning authority.

Reason: *To protect the amenity of the residents from the noise of surrounding uses.*

3. The secondary double glazing required in condition 2 above shall be installed prior to the residential properties coming into use and shall not be removed without the prior written approval of the planning authority.

Reason: *To ensure that the secondary is not removed; to protect the amenity of the residents.*

(Action: Head of Planning and Development)

Sederunt

Councillor de Vink left the meeting during discussion of the foregoing item of business at 3.10pm.

5. **Application for Planning Permission (13/00242/DPP) by Mr and Mrs R Miller for Extension to Dwellinghouse at Bowling Green Cottage, Murderdean Road, Newtongrange.**

Following a site inspection visit on 26 August 2013, there was submitted report, dated 20 August 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, discussed the proposed siting of the proposed extension and the possible impact that it might have on neighbouring properties. Consideration was also given to the materials to be used and the application of the current policy provisions regarding extensions.

After further discussion, the Committee agreed that planning permission be granted for the following reason:-

The proposed extension would not detract from the appearance of the property or the surrounding area in terms of its design, form or scale and so accords with Midlothian Local Plan policy RP20 and the aims of policy DP6.

Subject to the following condition:

1. The colour, size, texture and profile of the roof tiles on the extension shall match those of the roof tiles on the existing building.

Reason: *To safeguard the character of the existing building.*

6. Application for Planning Permission (13/00383/DPP) by BT Openreach for the Installation of Telecommunications Cabinet on Land to North of 10 The Square, Penicuik.

With reference to paragraph 1 of the Minutes of 16 April 2013, there was submitted report, dated 20 August 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, agreed that planning permission be granted for the following reason:-

The proposed development will not detract materially from the existing character of the built-up area and does not conflict with adopted Midlothian Local Plan Policies RP20, RP22 and UTIL2 or with Government Policy Guidance given in Scottish Planning Policy.

7. Application for Planning Permission (13/00118/DPP) by Midlothian Council Construction and Design Services for the Change of Use and Works Required for the Formation of Community Recycling Facility including Formation of Raised Roadway, Erection of Retaining Wall and Alterations to Ground Levels; Formation of Concrete Surfaced Yard; Erection of Fences and Modular Buildings at Land to the North of the Crystal Business Centre, Eastfield Industrial Estate, Penicuik

There was submitted report, dated 20 August 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, acknowledged the need for this kind of civic amenity facility within the area, but considered that before determining the current application there were a number of issues that needed to be resolved, these included a noise assessment report which had been received too late to be included in the assessment of the application, the accuracy of the description of the site used by the applicants and the potential of possible alternative site options.

After further discussion, the Committee agreed to continue consideration of the application for one cycle to allow further discussion with the applicants on these issues.

(Action: Head of Planning and Development)

Declarations of Interest

With reference to paragraph 1 above, Members of the SNP Group having declared a non pecuniary interest in the following item of business withdrew from the meeting at 3.48pm.

Thereafter, the remaining Members resumed discussion of the need to declare an interest in agenda item 10(h) - Application for Planning Permission in Principle (13/00361/PPP) for the Erection of Dwellinghouse at Huntly Cot Farm, Gorebridge given that the application was from a member of the ruling Administration.

The Monitoring Office explained that it was up to individual Members of the Committee to decide if on balance that there were sufficient grounds that any reasonable member of the public could call into question their impartiality given that the application was from a member of the ruling Administration. Depending on the answer to that question would determine whether or not they felt that they could participate in consideration of the application or not.

Whilst on a personal level a number of Members felt that they could be objective in considering the application, however, as the perception of 'any reasonable member of the public' was unlikely to be in agreement, they felt that they had little option other than to declare a non pecuniary interest and withdraw from the meeting.

For that reason, Councillors Pottinger, Baxter, Milligan and Muirhead all then indicated their intentions to declare a non pecuniary interest in the following item of business and withdraw from the meeting.

At this point, as the number of Members present had fallen below the six Members required in terms of the Scheme of Administration, for the meeting to be quorate, it was apparent that the application could not be considered.

8. Application for Planning Permission in Principle (13/00361/PPP) by Peter de Vink for the Erection of Dwellinghouse at Huntly Cot Farm, Gorebridge.

With reference to paragraph 1 above, there was submitted report, dated 20 August 2012, by the Head of Planning and Development concerning the above application.

In view of the fact that in terms of the Scheme of Administration, there were insufficient Members present for the meeting to be quorate, the application was not able to be considered and the applicants would be advised accordingly.

(Action: Head of Planning and Development)