

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 8 October 2013 at 2.00 pm.

**Present:-** Councillors Thompson (Chair), Beattie, Boyes, Bryant, Constable, Coventry, de Vink, Johnstone, Milligan, Montgomery, Muirhead, Pottinger, Rosie and Wallace.

**Apologies for Absence:** - Councillors Baxter, Bennett, Imrie and Russell.

**1. Declarations of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 27 August 2013 were submitted and approved as a correct record.

With regards to paragraph 7 of the Appendix to the minutes, the Committee noted that 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Penicuik, which had been continued for one cycle to allow further discussion with the applicants, had subsequently been withdrawn.

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

With reference to paragraph 7 of the Minutes of 27 August 2013, there was submitted report, dated 1 October 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 Committee, having heard from the Development Management Manager were encouraged by the number of applications at pre-application consultation stage.

**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)

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Councillor Pottinger joined the meeting during discussion of the following item of business at 2.03pm.

### 5. Appeal and Local Review Body Decisions

There was submitted report, dated 1 October 2013, by the Head of Planning and Development, detailing the notices of reviews determined by the Local Review Body (LRB), and an appeal determined by Scottish Ministers.

The report advised that copies of the appeal decision notice from the Scottish Government, Directorate for Planning and Environmental Appeals in relation to an appeal by RidgeWind Ltd against refusal of planning permission (11/00847/DPP) for the erection of 9 wind turbines, up to 115m in height to blade tip, and associated transformers; erection of anemometer; formation of access tracks and associated works at land at Fala Moor, Fala had been lodged in the Members' Library. The Reporter in dismissing the appeal had concluded that *"the appeal proposal would give rise to an unacceptable number of significant adverse landscape and visual amenity impacts, including cumulative impacts"*.

#### Decision

- (a) To note the decisions made by the Local Review Body at its meeting on 3 September 2013; and
- (b) To note the appeal decision notice received from the Scottish Government, Directorate for Planning and Environmental Appeals.

### 6. Application for Planning Permission (13/00105/DPP) for Extraction of Coal and Fireclay by Surface Mining Methods and Restoration of Site at Cauldhall Moor, Penicuik – Procedural Arrangements

With reference to paragraph 7 of the Minutes of 27 August 2013, there was submitted report, dated 1 October 2013 by the Head of Planning and Development, concerning proposals for the procedural arrangements for the Pre-Determination Hearing and Site Visit in respect of Planning Application (13/00105/DPP) for Extraction of Coal and Fireclay by Surface Mining Methods and Restoration of Site at Cauldhall Moor, Penicuik.

Having heard from the Development Management Manager, the Committee expressed its support for the proposed procedural arrangements detailed in the report.

#### Decision

- (a) To agree that the Pre-Determination Hearing be held in Penicuik Town Hall on Thursday 7 November 2013 at 10.00am; and
- (b) To agree that this be followed by an unaccompanied Site Visit which would take place on Monday 11 November 2013, leaving Midlothian House at 10.00am.

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

**7. Application for Planning Permission**

An application for planning permission was dealt with as shown in the **Appendix** hereto.

The meeting terminated at 2.12pm.

## APPENDIX

(relative to paragraph 7)

**1. Application for Planning Permission (13/00548/DPP) by Mr Watson for the Erection of Dwellinghouse (part retrospective) at Land Adjacent to 7 Westfield Park, Dalkeith.**

There was submitted report, dated 1 October 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, discussed a number of issues arising from the report in particular consideration was given to the potential impact of the proposed development on the neighbouring properties and the planning history of the site.

After discussion, the Committee agreed that:-

- i) planning permission be refused for the following reason:

*The position of the proposed dwellinghouse would have a dominant and detrimental overbearing impact on neighbouring dwellings and therefore does not comply with the terms of policy RP20 of the adopted Midlothian Local Plan.*

- ii) the site owner be given 56 days to demolish the unauthorised structure and remove the resulting material from the land;
- iii) if the owner failed to comply with ii) above, the Council issue a fixed penalty notice *and* instigate direct action proceedings to demolish the unauthorised structure and remove the resulting material from the land and recover the costs from the land owner; and
- iv) if an appeal against the refused planning permission was submitted to the Scottish Ministers then the enforcement action outlined in iii) above, be held in abeyance until the outcome of the appeal was known.

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