

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE

held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 15 January 2013 at 2.00 pm.

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

Apology for Absence: - Councillor Boyes.

1. Audio Recording

Before the commencement of the business the Chair reminded Members that the proceedings were being audio recorded.

2. Declarations of Interest

Councillor Montgomery declared a non-pecuniary interest in agenda item 8(a) Application for Planning Permission (12/00773/DPP) for Erection of 12 Floodlighting Columns (9 Single Sided and 3 Double Sided) at Penicuik Park and Playing Fields, Carlops Road, Penicuik (paragraph 1 of the **Appendix** refers).

Councillors Bennett and Russell both declared a non-pecuniary interest in agenda item 8(b) Application for Planning Permission (12/00774/DPP) for Erection of 6 Floodlighting Columns at Kings Park, Eskbank Road, Dalkeith (paragraph 2 of the **Appendix** refers).

Councillors Thompson, Coventry and Imrie all declared non-pecuniary interests in agenda item 8(c) Application for Planning Permission (12/00776/DPP) for Formation of Skatepark at King George's Field, Mayburn Avenue, Loanhead (paragraph 3 of the **Appendix** refers).

The Committee noted that in each instance the interest arose as a result of the particular Councillors' involvement as local Member for the ward in which the proposed development was taking place. However, at no time had any of the Councillors concerned discussed or offered a view on the applications currently before the Committee and therefore they all felt they could approach consideration of them in an open and objective manner, thereby allowing them to participate in consideration of the respective items.

3. Minutes

The Minutes of Meeting of 20 November 2012 were submitted and approved as a correct record.

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

With reference to paragraph 3 of the Minutes of 20 November 2012, there was submitted report, dated 7 January 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.

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; and
- (b) To agree to receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Planning and Development)

5. Appeal and Local Review Body Decisions

There was submitted report, dated 7 January 2013, by the Head of Planning and Development, detailing the notices of reviews determined by the Local Review Body (LRB), and the appeals determined by Scottish Ministers.

Appended to the report were the following appeal decision notices from the Scottish Government, Directorate for Planning and Environmental Appeals:-

- dated 14 November 2012, upholding an appeal by Mr C and Dr L Beattie against non determination of an application for the erection of garage, workshop and studio at land adjacent to 3 Eskview Villas, Eskbank and granting planning permission subject to conditions.
- dated 13 and 15 November 2012, dismissing an appeal against the refusal of a certificate of lawful use application with regard the occupation of a dwellinghouse in breach of a planning condition (requiring the construction of kennels prior to the occupation of an accompanying dwellinghouse) for over 10 years at Loanview House, Lang Loan, Straiton and awarding the Council costs.
- dated 22 November 2012, advising that, following a public hearing, the Scottish Ministers were minded to grant planning permission for the erection of hotel, tourist retail outlet, tourist orientation centre and associated developments at Fordel Mains, land adjacent to the A68 Dalkeith Bypass, subject to conditions and the satisfactory conclusion of an agreement to provide improvements to the local bus service.

Decision

- (a) To note the decisions made by the Local Review Body at its meeting on 20 November 2012;

- (b) To note the appeal decision notices; and
- (c) To seek an update report on the current position with regards the dwellinghouse at Loanview House, Lang Loan, Straiton.

(Action: Head of Planning and Development)

6. Tree Preservation Order

With reference to addendum of the Minutes of 9 October 2012, there was submitted report, dated 7 January 2013 by the Head of Planning and Development, concerning the Tree Preservation Order made in respect of land at Harvieston House, Gorebridge, stretching from Harvieston Cottage and Harvieston Farm in the south to the field track dividing the grounds of Harvieston House from the local plan housing site H23 (Harvieston) to the north east.

The report explained that the TPO which had come into effect on 19 October 2012 would remain in effect for six months, unless the Local Planning Authority 'confirmed' the TPO. To 'confirm' the Order the Local Planning Authority must register the TPO in the Land Register of Scotland, place a copy on its own TPO register and notify the Forestry Commission, interested persons and any person who has made a representation

The Committee, having heard from the Development Management Manager, acknowledged that protecting trees with a preservation order did not prevent the owners from carrying out necessary work to the trees or to improve the land, it simply ensured that such works were carried out in accordance with an appropriate management plan which had been agreed with the Council and other government agencies.

Decision

To confirm the TPO to protect the woodland at Harvieston House, Gorebridge.

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

7. Applications for Planning Permission

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

The meeting terminated at 2.12 pm.

APPENDIX

(relative to paragraph 7)

1. **Application for Planning Permission (12/00773/DPP) by Midlothian Council for Erection of 12 Floodlighting Columns (9 Single Sided and 3 Double Sided) at Penicuik Park and Playing Fields, Carlops Road, Penicuik.**

There was submitted report, dated 7 January 2013, by the Head of Planning and Development concerning the above application.

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

The proposed development is located within the built up area and does not conflict with Midlothian Local Plan policies RP20 and RP30. The presumption in favour of development is not outweighed by any other material considerations.

subject to the following conditions:

1. Prior to the erection of the floodlighting columns details of the material of the columns shall be submitted to and approved in writing by the planning authority.

Reason: *These details were not submitted with the application and are required in order to ensure that the proposed columns do not have an adverse impact on the character and appearance of the area.*

2. Unless otherwise approved in writing by the planning authority, the floodlights hereby approved shall not be used between the hours of 10pm and 7am.

Reason: *To limit any impact on the amenity of the surrounding area.*

3. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

(Action: Head of Planning and Development)

2. Application for Planning Permission (12/00774/DPP) by Midlothian Council for Erection of 6 Floodlighting Columns at Kings Park, Eskbank Road, Dalkeith.

There was submitted report, dated 2 October 2012, by the Head of Planning and Development concerning the above application.

The Committee, heard from the Development Management Manager who in responding to Members' questions, advised that potential concerns regarding the hours of operation of the lighting had been addressed in assessing the application and were covered in the proposed conditions.

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

The proposed development is located within the built up area and does not conflict with Midlothian Local Plan policies RP20, RP22 and RP30. The presumption in favour of development is not outweighed by any other material considerations.

Subject to the following conditions:

1. Prior to the erection of the floodlighting columns details of the material of the columns shall be submitted to and approved in writing by the planning authority.

Reason: *These details were not submitted with the application and are required in order to ensure that the proposed columns do not have an adverse impact on the character and appearance of the area.*

2. Unless otherwise approved in writing by the planning authority, the floodlights hereby approved shall not be used between the hours of 10pm and 7am.

Reason: *To limit any impact on the amenity of the surrounding area.*

3. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

(Action: Head of Planning and Development)

3. Application for Planning Permission (12/00776/DPP) by Loanhead Community Development for Formation of Skatepark at King George's Field, Mayburn Avenue, Loanhead.

There was submitted report, dated 2 October 2012, 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 reasons:-

The proposed development is compatible to the neighbouring land uses and does not conflict with the aims and objectives of the adopted Midlothian Local Plan policies RP20, RP29 and CONF4.

Subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

2. Development shall not begin until the following details 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 finished levels for the skate-park in relation to a fixed datum;
 - ii. full detailed drawings, including sections and elevations; and
 - iii. details of the ball-catcher fencing including scaled site plan and elevation drawings.

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: *These details were not submitted along with the application and are required to ensure that there is no adverse impact on the character or amenity of the area in terms of complying with policy RP20 of the Midlothian Local Plan.*

(Action: Head of Planning and Development)