

# Minute of Meeting



## Planning Committee

Date	Time	Venue
1 March 2016	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

**Present:**

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Constable
Councillor Coventry	Councillor de Vink
Councillor Johnstone	Councillor Milligan
Councillor Montgomery	Councillor Muirhead
Councillor Parry	Councillor Pottinger
Councillor Rosie	Councillor Russell
Councillor Wallace	Councillor Young

## 1 Apologies

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Apologies received from Councillors Bennett and Imrie

## 2 Order of Business

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The order of business was confirmed as outlined in the agenda that had been circulated.

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of 12 January 2016 were submitted and approved as a correct record.

Amended by the Planning Committee on 19 April 2016 (paragraph 4, page 4-338 refers) to include a fuller account of the discussions.

With regards to paragraph 1 of the Appendix to the Minutes, the Committee discussed the wording of the conditions attached to the consent issued for the grant of planning permission for the infilling of quarry at Middleton Limeworks, Gorebridge (15/00503/DPP), which had a number of variations to those agreed by the Committee at its previous meeting.

In response to a point regarding the restoration of the land after infilling had been completed, the Planning Manager advised that in land use planning terms there was no distinction made between the various agricultural land uses, consequently the correct terminology in terms of the Town and Country Planning Act was agriculture and that this definition included arable land. The Committee asked the Planning Manager to relay its preference for the site to be use as arable land to the applicant.

The removal of specific dates from Conditions 1 and 8 were also highlighted, it being explained that this had given rise to uncertainty in the community over the duration of the consent. The Head of Communities and Economy explained that what had been agreed with the applicant was a seven year programme of works to infill and restore the quarry and that this had not changed. However, as the original application report had been deferred for a cycle of meetings in November to allow a site visit to be undertaken, it was felt that, in order to accommodate the delay and additional pre-development activities, the wording of the conditions required to be adjusted accordingly; all of which had been discussed and agreed in consultation with the Chair.

This led into a discussion of the mechanism for agreeing such adjustments, it being suggested that in such instances consultation should also include all the local ward members and perhaps on occasion all members of the Committee.

The Head of Communities and Economy acknowledged Members concerns and agreed to take them on board in reviewing the means by which adjustments were agreed and notified to Members. He also went on to respond to questions regarding the Liaison Group, which the Committee had agreed to

request the applicant set up, to enable constructive dialogue to take place with local community representative, so that should any issues be identified they could hopefully be resolved at the earliest opportunity. It was acknowledged that this was not however, a condition on the grant of planning permission.

With respect to the number of lorry movements and the ability of the local road network to accommodate the extra traffic movements, the challenge was to balance the desire to infill the quarry as quickly as possible, whilst not allowing an unacceptable number of lorries on the highway at the same time. It was recognised that the process of loading and unloading of material into and out of the lorries would help manage the number of vehicles on site at any one time.

After further discussion, the Committee noted the Head of Communities and Economy's undertaking to (i) review the means by which any post Committee changes were agreed and notified to Members; (ii) convey to the applicant the Committee's preference, following restoration, for the land to be returned to an arable land use; and (iii) fulfil its part in ensuring that the Community Liaison Group was successfully set up and operated effectively.

(Action: Head of Communities and Economy)

## 5 Reports

Agenda No	Report Title	Presented by:
5.1	Midlothian Local Development Plan: Housing Land Supply Update	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 4 of the Minute of 12 January 2016, there was submitted report, dated 23 February 2016 by the Head of Communities and Economy, updating the Committee on the state of the housing land supply in Midlothian and highlighting the impact of the allocated housing sites in the Proposed Midlothian Local Development Plan (MLDP) would have on the established land supply.

### Summary of Discussion

Having heard from the Planning Manager, the Committee discussed whether there were sufficient sites becoming available 'free from constraint' to develop. The consensus was that there was and that the real issue was the rate of house construction which was governed by the rate of build undertaken by the house building industry and the local housing market.

### Decision

To note the report.

Agenda No	Report Title	Presented by:
5.2	Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf

#### Executive Summary of Report

There was submitted report, dated 23 February 2016 by the Head of Communities and Economy, 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 2016; and
- (b) To note the updates for each of the applications.

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Appeal and Local Review Body Decisions	Peter Arnsdorf

#### Executive Summary of Report

There was submitted report, dated 23 February 2016, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in January 2016, 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 19 January 2016.

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Pre-Application Consultation: Proposed Residential Development at Land between Deanburn and Mauricewood Road, Penicuik (15/00987/PAC)	Peter Arnsdorf

#### Executive Summary of Report

There was submitted report, dated 29 February 2016, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development at Land between Deanburn and Mauricewood Road, Penicuik (15/00987/PAC).

The report advised that in accordance with the pre application consultation procedures approved by the Committee at its meeting on 7 October 2014 (paragraph 3, Page 4-199 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

#### Summary of Discussion

Having heard from the Planning Manager, the Committee discussed the report.

#### Decision

- (a) Noted the provisional planning position set out in the report; and
- (b) Noted that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Application for Planning Permission in Principle (15/00364/PPP) for a Mixed Used Development Comprising; Film and TV Studio including Backlot Complex, Mixed Commercial Uses, Hotel, Gas and Heat Power Plant, Visitor Centre, Student Accommodation and Film School at Old Pentland, Loanhead.	Peter Arnsdorf

### Executive Summary of Report

There was submitted report, dated 23 February 2016, by the Head of Communities and Economy concerning the above application.

### Summary of Discussion

The Committee, having heard from the Planning Manager, expressed support for such a development in Midlothian, but not on the current application site, which was not considered suitable for the reasons detailed in the report.

### Decision

To recommend to the Scottish Ministers that the planning permission be refused and the submitted appeal dismissed for the following reasons:

1. The proposal does not provide sufficient safeguarding for the proposed A701 Relief Road and as such is contrary to the Edinburgh and South East Scotland Strategic Development Plan (SESplan) 2013 and proposed Midlothian Local Development Plan (MLDP). The A701 Relief Road is required to deliver the Spatial Strategy identified in SESplan, namely the A701 Corridor Strategic Development Area, and the major development strategy for the western part of Midlothian as set out in the Midlothian Local Development Plan (MLDP);
2. The failure to deliver the A701 Relief Road will undermine programmed and planned growth at the Midlothian Campus of the Edinburgh Science Triangle at the Bush Estate which has a significant national/international presence. Substantial committed and planned investment to expand the life, animal, agriculture and biosciences research, practice and development sectors at Easter Bush (as provided for in the existing and emerging statutory development plans), will be jeopardised if the proposed transportation connections are not improved as proposed in the proposed MLDP. This detrimental economic impact outweighs any potential economic advantages identified as part of the planning application;
3. The perceived economic benefits proposed by the applicants have not been substantiated and no substantive evidence of financial backing for the proposals has been demonstrated to the Council. Accordingly, the proposal does not constitute a sustainable economic development which can justify a significant departure from development plan policy;
4. The proposed development is considered to be premature in relation to the proposed A701 Relief Road identified in the MLDP which supports the A701 Strategic Development Area identified in SESplan. The proposed development does not identify sufficient or appropriate land to satisfy the Council that the route can be constructed through the application site. Consideration of this application in advance of the adoption of the MLDP would be so significant in relation to the Council's development strategy that it would undermine the development plan making process;

5. The proposed development is within the Green Belt, in a countryside location, where there is a presumption against inappropriate development. The proposed development is contrary to the following Midlothian Local Plan (2008) policies; RP1 Protection of the Countryside, RP2 Protection of the Green Belt, RP4 Prime Agricultural Land, RP5 Woodland, Trees and Hedges, RP6 Areas of Great Landscape Value (in relation to the Pentland Hills), RP7 Landscape Character, RP13 Species Protection, RP14 Habitat Protection outwith formally Designated Areas, RP16 Regional and Country Parks, RP21 Community Identity and Coalescence, RP24 Listed Buildings, ECON5 Industries with Potentially Damaging Impacts, ECON 6 Offices, ECON 7 Tourist Accommodation, DERL1 Treatment of Vacant or Derelict Land, DP1 Development in the Countryside and DP4 Pentland Hills Regional Park. This policy position is not outweighed by any material considerations presented as part of this application; and
6. A number of unresolved issues remain and as such the proposed development has a potential detrimental impact on nearby residential properties, other land users and on the local landscape and environment. The outstanding issues are in relation to:
- Noise, in particular from the backlot areas;
  - External lighting and the additional impact this would have on the very large buildings and backlot areas on the site's landscape setting;
  - Insufficient survey work had been carried out in relation to protected species at the site; and
  - The submission of detailed plans showing the road layout on the site would have had some further impact on Cameron Wood and on Old Pentland Cemetery which is a listed building. Further investigation would have been requested on these matters had the appeal not been lodged.

<b>Action</b>
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Head of Communities and Economy
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Agenda No	Report Title	Presented by:
5.6	Application For Planning Permission (15/00884/DPP) for the Formation of a New Railway Depot; including Train Maintenance, Cleaning and Stabling, the Laying of New Railway Lines, the Erection of Associated Offices and Staff Welfare Blocks, the Formation of Car Parking and Associated Works at the Former Millerhill Marshalling Yards, Whitehill Road, Dalkeith	Peter Arnsdorf

### Executive Summary of Report

There was submitted report, dated 23 February 2016, by the Head of Communities and Economy concerning the above application.

### Summary of Discussion

The Planning Manager advised the Committee that the proposed works were an amendment to the development approved in a previous grant of planning permission (paragraph 3 of the Appendix to the Minutes of 16 April 2013, pages 4-81 to 4-83 refers). The changes related to the configuration of the uses within the application site. The overall scale, form and design of buildings and structures was comparable to the previous grant of permission

### Decision

That planning permission be granted for the following reason:

*The site is an established industrial site and forms part of the Council's economic land supply. Furthermore, the built form of the currently proposed development can be satisfactorily integrated into the landscape and the presumption in favour of the development is not outweighed by any other material consideration. The proposed development complies with adopted Midlothian Local Plan Policies RP20 and COMD1.*

subject to the following conditions:

1. The mature trees on the eastern boundary of the site; which trees are mostly poplar, shall be retained unless otherwise approved in writing by the planning authority and shall be protected during construction in accordance with the BS5837 2005 "Trees in Relation to Design, Demolition and Construction".

**Reason:** *The existing mature poplar trees demarcating the east boundary of the site will largely screen the operations on the site and will therefore mitigate the visual impact of the development, particularly in views from the (north and north-east of the site, including the A1.*

2. Notwithstanding that delineated on docketed drawings the hedge to be planted along the west side of the proposed palisade fence shall not be planted. Instead, within the planting season when the works commence on site; or if works commence out with the planting season, within the next planting season after works commence, a hedgerow shall be planted alongside to the west of the existing poplar trees growing along the full eastern boundary of the site. Details of the hedgerow shall be submitted for the prior written approved of the planning authority. The hedgerow shall be no less than 3 metres wide along its length. If within a period of 5 years from planting any part of the hedgerow dies, is diseased or is seriously damaged or removed, it shall be replaced in the next planning season with a hedge of the same species. There shall be no variation there from unless with the prior approval of the planning authority.

**Reason:** *The poplar trees have a limited life and will eventually have to be felled, which would expose the site to views from the east. A hedgerow is required along the east boundary of the site to satisfactorily mitigate the visual impact of the development when the poplar trees are eventually felled, in the interest of safeguarding the landscape character and amenity of the area.*

3. Prior to the commencement of any works on site, full details of the finalised SUDS scheme 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.

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

4. Notwithstanding that delineated on docketed drawings/documents the external lighting installed within the site shall be designed to minimise light spill. They shall have luminaires that direct light downwards thus reducing upward illumination.

**Reason:** *To minimise light spill and upward illumination in the interests of safeguarding the amenity of the area, including the amenity of nearby residential properties.*

5. 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 policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

6. All of the recommendations made in the Phase 1 habitat survey report dated January 2013 and the Winter Bird Survey dated 12<sup>th</sup> December 2012 shall be carried out, including the recommended breeding bird survey, bird checking surveys and reptile surveys. A copy of the report on these surveys shall be submitted for the prior approval of the planning authority prior to works commencing on the site.

**Reason:** *In the interests of safeguarding protected species.*

7. Development shall not begin until a scheme to deal with ground conditions and contamination of the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of the proposals to deal with ground conditions and any contamination and include:

- i. the submission of a scheme of intrusive site investigation;

- ii. the submission of a report of findings arising from the intrusive site investigations, including identification of any required `nobuild-zones for the mine entries;
- iii. a detailed schedule of any remedial and/or protective measures including their programming;

Before any part of the site comes into use, the measures to mitigate ground conditions and decontaminate the site shall be fully implemented in accordance with the approved scheme approved by the planning authority.

***Reason:*** *To ensure that ground conditions and any contamination on the site are adequately identified and that appropriate ground remediation measures and decontamination are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

Action
Head of Communities and Economy

The meeting terminated at 3.09pm.