

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE held**

in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 12 January 2016 at 2.00 pm.

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

**1. Declarations of Interest**

Councillor Baxter declared a non-pecuniary interest in agenda item 10(e) - Application for Planning Permission (**14/00405/DPP**) for Residential Development at Land South West of Mayshade Garden Centre, Eskbank Road, Bonyrigg (paragraph 7 of the **Appendix** refers), on the grounds that whilst on the Community Council he had made his views known on the proposed development of this site. 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.

**2. Minutes**

The Minutes of Meeting of 17 November 2015 were submitted and approved as correct record.

**3. Broadband and the Planning System**

With reference to (i) paragraph 8 of the Minutes of 21 April 2015 and (ii) paragraph 1 of the Addendum of the Minutes of 17 November 2015, there was submitted report dated 5 January 2016, by the Head of Communities and Economy providing an update on the delivery of high speed fibre optic broadband, with regard new developments, and detailed proposed standard conditions to be used when planning permission was to be granted.

The Committee having heard from the Planning Manager acknowledged that the rollout of fibre optic services in Midlothian was progressing but not perhaps at the rates referred to in the report. Members remained concerned, however that in order to access the digital technology available, individual household would potentially require to replace the copper cabling provided by many developers with fibre optic. This was particularly frustrating as it was understood that the required fibre optic cabling to premises could in most instances be installed during construction instead of copper at very little extra cost to the developers.

**Decision**

- (a) To note the update; and
- (b) To agree that the template planning conditions be updated to include a requirement that fibre optic cabling rather than copper cabling be provided, when new premises were being constructed.

(Action: Head of Communities and Economy)

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

There was submitted report, dated 5 January 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.

The Committee, having heard from the Planning Manager discussed whether in light of the Reporter's decision in the relation to the proposed development at Land North and South of Lasswade Road, Eskbank (14/00420/PPP), the position adopted by the Committee at its meeting on 25 August 2015 (paragraph 3, page 4-241) not to report premature planning applications received for sites not currently allocated for development to Committee until the proposed Midlothian Local Development Plan (MLDP) had progressed through the examination process and been formally adopted the Council, was sustainable.

The Head of Communities and Economy explained that the matter was being taken up with Scottish Government, Directorate for Planning and Environmental Appeals, as the Reporter had upheld the appeal after considering the proposed development accorded with the provisions of the development plan on the grounds that, based on the Council's 2014 Housing Land Audit, the Council did not have an effect five year land supply; which was clearly not the case.

The Committee, whilst acknowledging the reassurance offer by the Head of Communities and Economy, remained concerned that other applicants might on learning of the Reporter's decision, adopt a similar course of action.

##### **Decision**

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2015/16;
- (b) To note the updates for each of the applications;
- (c) To note that the issue of the Council not having an effect five year land supply was being taken up with the Scottish Government, Directorate for Planning and Environmental Appeals;
- (d) To seek an update on the Council's current housing land supply; and
- (e) To agree that any other premature applications which were at risk of being appealed for none determination be reported to Committee as soon as practical.

(Action: Head of Communities and Economy)

#### **5. Appeal and Local Review Body Decisions**

There was submitted report, dated 5 January 2016, by the Head of Planning and Development, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in November 2015, and four appeals decisions received from Scottish Ministers.

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

- dated 17 November 2015, dismissing an appeal by T & V Builders Ltd against refusal of planning permission for the erection of 13 flatted dwellings and 5 dwellinghouses, formation of car parking and access road, and associated works at land at the junction of Bryans Road and Morris Road, Newtongrange (15/00029/DPP) and refusing planning permission;
- dated 26 November 2015, dismissing an appeal by Wind Prospect Developments Limited against non determination of an application for the erection of 9 wind turbines (102 metres to tip) and associated infrastructure at Mount Lothian Moss, Penicuik (14/00044/DPP) and refusing planning permission;
- dated 8 December 2015, upholding an appeal by Springfield Energy Ltd against refusal of planning permission for the erection of two wind turbines of up to 35.5m height to tip and ancillary infrastructure, comprising foundations, crane hardstanding area, access track and underground cabling, and control box at Land at Springfield Farm, Springfield Road, Penicuik (15/00365/DPP) and granting planning permission subject to conditions; and
- dated 15 December 2015, advising that the Scottish Ministers were minded to uphold an appeal by Gladman Developments Limited against non determination of an application for planning permission in principle for residential development with open space, access roads, car parking and associated facilities at land North and South of Lasswade Road, Eskbank (14/00420/PPP) and grant planning permission subject to conditions and the satisfactory conclusion of a s75 agreement.

### **Decision**

- (a) To note the decisions made by the Local Review Body at its meeting on 24 November 2015; and
- (b) To note the outcome of the appeals determined by Scottish Ministers.

### **6. Pre-Application Consultation - Proposed Residential Development at Land West of Corby Craig Terrace, Bilston (15/00936/PAC)**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development on land west of Corby Craig Terrace, Bilston (western part of site HS16 Seafield Road, Bilston) (15/00936/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.

## **Decision**

Having heard from the Planning Manager, the Committee:-

- (i) Noted the provisional planning position set out in the report; and
- (ii) 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).

## **7. Applications for Planning Permission**

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

The meeting terminated at 4.43pm.

## APPENDIX

(relative to paragraph 7)

**1. Application for Planning Permission (15/00503/DPP) by The NWH Group, c/o William Booth, Dalgleish Associates Ltd, Dunblane for the Infilling of quarry at Middleton Limeworks, Gorebridge.**

With reference to paragraph 2 of the Appendix to the Minutes of 17 November 2015, there was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application, which had been the subject of a site inspection visit on Monday 11 January 2016.

The Committee, having heard from the Planning Manager, discussed the proposed development in particular consideration was given to the ability of the local road network to accommodate the additional traffic movements, the importance of the public highway being kept free of any debris and the provision of a suitable bond to ensure the site was restored upon completion of the works. Support was also expressed for the proposed establishment of a local Community Liaison group.

Thereafter the Committee, having emphasised (i) the importance of the local Community Liaison group being established at an early stage, (ii) the impact of the additional traffic movements being carefully monitored, and (iii) adjustment of Condition 16 to include provision on site on an operational road sweeper, agreed that planning permission be granted for the following reason:

*Subject to the recommended planning conditions the proposed development does not conflict with the relevant policies of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESPlan), adopted Midlothian Local Plan, the emerging Midlothian Local Development Plan or with Government Guidance on waste management including landfill and site restoration.*

subject to the following conditions:

1. Planning permission for the infilling of the quarry with inert material is granted for a limited period of seven years from the date when work commences on the site (such date to be advised by the applicant or their successors), or until the 17<sup>th</sup> November 2021, whichever is the earlier date.
2. Except as subsequently amended, or as otherwise required by the terms of this permission, the development hereby approved shall be carried out in accordance with the application plans, and the details contained in the accompanying Environmental Statement, dated June 2015, including the implementation of all the measures contained in that document for the mitigation of the environmental impact of the operations.

**Reason for 1 & 2:** *To make clear the extent and specifications of the development for which planning permission is granted, and to ensure the full implementation of all the identified measures for mitigating its environmental impact.*

3. Only truly inert material, as specified in the table at Schedule 2, Paragraph 4 of the Landfill (Scotland) Regulations 2004, shall be used for infilling purposes and the material shall arrive at the site in a condition suitable for purpose.

**Reason:** *To ensure that only appropriate materials are used for infilling and to ensure adequate protection of the water environment.*

4. Prior to commencement of any works, a site surface water drainage strategy and plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. This shall include: (i) Full details of the drainage infrastructure serving the site entrance and haulage roads(s); ii) Design details of the temporary crossings to be installed within the working area; and, (iii) a copy of the wet weather working plan.

**Reason:** *to ensure adequate protection of the water environment.*

5. At the end of the month during which infilling commences and at the end of each month thereafter until the site is fully restored, the developer shall send to the Planning Authority a written record of where each load of material being used to infill the site has come from, the type of material and the tonnage.

**Reason:** *To ensure that only appropriate materials are used for infilling and to ensure adequate protection of the water environment and so that the Planning Authority can monitor progress with the infilling.*

6. Prior to works commencing on site the following shall be carried out/implemented in accordance with details to be approved in advance by the Planning Authority:
  - (a) A detailed working plan of the whole site, to a scale of 1:1250 or similar, showing the location and full extent of any plant, buildings, site offices, equipment compounds, the location and type of wheel washing equipment to be installed/erected, maintained and operated;
  - (b) Details of the location and type of advanced warning sign to be erected at points on the minor road on the eastern approach to the site access, directing vehicles to the site access;
  - (c) Details of the type, location on site and recycling of waste water of the wheel washing facility to be installed on site; which facility shall include shaker bars.

**Reason:** *To ensure that full details are submitted and approved of working methods and environmental mitigation measures, to enable the Planning Authority to retain effective control over all matters which may have an adverse impact on the environment and amenity of the area, and to ensure that the eventual restoration of the site is adequately safeguarded; and,*

7. Within one year from the date when work commences on the site (such date to be advised by the Planning Authority), the applicants or their successors shall submit for the approval of the Planning Authority a detailed restoration plan of the whole site, including the haul road, showing the final contours to be achieved in restoration, and the location of any hedges, fences, gates, walls and access points on the restored site, together with a written specification where such details are not shown on the plan; the plan shall also include proposals for the removal or other treatment of areas of hardstanding, areas occupied by plant or buildings, and the full length of the haul road, together with detailed landscaping proposals for the whole site, including the haul road, indicating the numbers, sizes, species, positions and planting densities of all trees and shrubs to be planted.
8. Notwithstanding the information contained within the Environmental Statement the restoration and landscaping of the site shall be completed in accordance with the restoration; including levels, approved under the terms of condition 7 by the 17<sup>th</sup> November 2022. The approved landscaping shall be maintained to the satisfaction of the Planning Authority for a period of five years from the time of any planting or construction. Maintenance shall include the replacement of any trees, shrubs or hedgerow plants which die, are removed, become seriously diseased or are severely damaged within that period, by others of a similar size and species to those originally required to be planted.

**Reason for 7 & 8:** *To ensure that all restored land is properly managed for a sufficient period to ensure its effective return to permanent agricultural/forestry use.*

9. Prior to the start of the development, the developer shall provide the Planning Authority with details of a bond or other financial provision from a bank or other financial institution to be put in place to cover decommissioning, site restoration and aftercare costs on the expiry of the permission. No works shall commence on site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other financial provision is maintained through the duration of the permission.

**Reason:** *To ensure that there are sufficient funds available throughout the life of the development to carry out the full restoration of the site.*

10. Notwithstanding that specified in the Transportation Assessment, the first 40 metres (not 20 metres as stated in the TA) of private access road into the site; measured back from the site access, shall be surfaced in non-loose material.

***Reason for conditions 10:*** To ensure that the public roads including the access road leading to the quarry and the A7 are kept free from loose material being deposited from vehicles entering or exiting the site in the interest of road safety.

11. The developer shall undertake a programme of works to repair the existing sections of the road carriageway/verge that has been damaged from the infilling of quarry No 2. The sections of the road carriageway/verge to be repaired shall be agreed in advance in writing by the Planning Authority. The agreed works shall be completed prior to the infilling of quarry No 1. Any identified damage to the highway during infilling and restoration works shall be repaired within 3 months of the operator being notified of the required works.

***Reason:*** In the interests of road and pedestrian safety as various sections of the road carriageway / verge have suffered damage over the years

12. Notwithstanding that stated in docketed application documents operations; including the access and egress of vehicles into and out off the site shall only take place during the hours of 08.00 to 19.00 Mondays to Fridays and 08.00 to 12.00 Saturdays with no working on Sunday. In addition, no work on the construction of the access road, or initial site preparation works, shall take place out with the hours of 08.00 to 19.00 Mondays to Fridays and 08.00 to 12.00 Saturdays inclusive. There shall be no variation there from unless with the prior written approval of the Planning Authority.

***Reason:*** In the interests of safeguarding the amenity of nearby noise sensitive properties and the character and amenity of the countryside.

13. Prior to works commencing on site a dust management plan shall be submitted to and approved in writing by the Planning Authority. Additionally, following any substantiated complaints about dust or where visual inspection indicates significant dust emissions or dust tracked out of the site onto public roads, a programme of monitoring at the sensitive receptor(s) shall be undertaken by the operator over a period of time agreed in writing by the Planning Authority (following the results of an initial representative period of monitoring).

***Reason:*** To mitigate the potential impact of the development on air quality in the interest of safeguarding the amenity of neighbouring properties and the amenity of the area.



14. A daytime limit of 55 dB L<sub>Aeq, 1 h</sub> (free field) shall be met at noise sensitive properties, with the exception of Sheilknowe at 10 Guildiehowes Road and Halkerston Farm Cottages where a daytime limit of 45 dB L<sub>Aeq, 1 h</sub> (free field) shall be met.

**Reason:** *To mitigate the potential noise impact of the development in the interest of safeguarding the amenity of neighbouring noise sensitive properties.*

15. The bat protection measures detailed in Section 6 (Recommendations) of the document titled 'Bat Hibernaculum Monitoring 2013-2015 Report' prepared by David Dodds Associates Ltd, Ecological Consultancy; including the construction of a shaft to the bat hibernaculum surrounded by gabion baskets, shall be implemented in full. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

**Reason:** *In the interests of safeguarding bats by allowing for the continued passage of them to the hibernaculum caves at the base of the former quarry faces.*

16. No mud, soil or debris shall be deposited on the public highway by vehicles entering or leaving the site. Any mud, soil or debris deposited on the public highway shall be removed and the highway cleaned. The applicant shall retain an operational road sweeper on site whilst infilling operations and restoration works are taking place to ensure the highway is cleaned within one hour of the operator being notified by the Local Authority, the Police or any other Government Agency or Public Body.

**Reason:** *In the interests of highway safety.*

(Action: Head of Communities and Economy).

**2. Application for Planning Permission (15/00715/DPP) by Mr P Clark, 4 Manse Road, Roslin for the Formation of raised decking and installation of roof lights at that address.**

With reference to paragraph 6 of the Appendix to the Minutes of 17 November 2015, there was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application, which had been the subject of a site inspection visit on Monday 11 January 2016.

Having heard from the Planning Manager, the Committee agreed that planning permission be granted for the following reason:

*The proposed alterations to the dwellinghouse by means of their form, scale and design are compatible to the host building and accord with Midlothian Local Plan policies RP20, RP22 and DP6.*

subject to the following conditions:

1. Details of the design, materials and finish of the proposed screen to be erected along the north east side of the decking shall be submitted to the Planning Authority and no work shall start on the decking until this detail has been approved in writing by the Planning Authority.

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

2. Unless otherwise approved in writing by the Planning Authority the screen approved in terms of condition 1 shall be installed within two months of the deck being brought into use and thereafter shall not be removed.

***Reason:*** *In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

(Action: Head of Communities and Economy).

3. **Application for Planning Permission (15/00684/DPP) by Midlothian Council, c/o AHR Architects Ltd for the Erection of Community Facilities incorporating Primary School, Nursery School, Early Years and After School Care, Library, Health Centre, Alterations to Existing Leisure Centre, Formation of Car Parking and Associated Works at Land at Loanhead Leisure Centre and King Georges Field, George Avenue, Loanhead.**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee agreed that planning permission be granted for the following reason:

*The site is situated within the settlement boundary of Loanhead and has an established leisure and associated sports and play use. The redevelopment of the site for the provision of a new school, health facilities and library and associated facilities which are currently located close to the site is compatible with its location and is supported in terms of development plan policies. Subject to conditions, the design and layout of the proposed development is acceptable and there are no material planning considerations which outweigh the presumption in favour of the development.*

subject to the following conditions:

1. Notwithstanding that delineated on docketed drawings, development shall not begin until details of a scheme of hard and soft landscaping has 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 trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting, including trees, shrubs, hedging, wildflowers and grass areas.
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures, this shall include provision of an appropriate fence to the northern side of the existing grass playing pitch;
- 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 shall be completed prior to the new building being completed or brought into use whichever is the earlier. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details, watercourse diversions, flood prevention measures and SUDS (Sustainable Drainage Systems) to manage water runoff;
- viii proposed car park configuration and surfacing, including kerb details;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x details of existing and proposed services; water, gas, electric and telephone;
- xi details of the floodlighting system and any security lights to be installed within the site. The floodlights and security lights shall be designed and installed such that there is no direct illumination of any neighbouring residential property and the lamp design shall be such that the actual lamps and inner surface of the reflectors are not visible from neighbouring houses which have a garden boundary with the application site. In addition, the lighting shall be designed to minimise the spillage of light up into the sky. The floodlighting system shall be fitted with an automatic cut out to ensure that the system cannot operate after 9pm unless otherwise approved in writing by the Planning Authority. The design and construction of the lighting shall take account of the Guidance contained within the Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008;
- xii the locations and design of security/CCTV cameras and mounting poles; and,
- xiii details, including the location of all street furniture.

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

**Reason for 1(iii):** To safeguard the privacy and residential amenity of the neighbouring residential from users of the southern-most proposed playground of the new school.

2. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

**Reason:** To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.

3. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the local planning authority.

**Reason:** To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.

4. The discharge of surface water to the water environment shall be in accordance with the principle of SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA and surface water drainage from the construction phases shall be dealt with by SUDS. Such drainage shall be in accordance with C648 and C649, both published by CIRIA.

**Reason:** To ensure the provision of an appropriate SUDS strategy to serve the proposed development in the interests of safeguarding the water environment.

5. Development shall not begin until details of the site access, roads, footpaths, cycle ways 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 roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities), footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;

- vi 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;
- vii proposed car parking arrangements;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi the permeable paving and car park drainage system.

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.*

6. Detailed drawing and a written specification and/or a manufacturers brochure of proposed air handling equipment and extract flues to be installed on the building/on the site shall be submitted for the prior approval of the Planning Authority.

**Reason:** *To ensure that air handling equipment and extract flues are not unduly intrusive or conspicuous on the building, in the interest of safeguarding the character and visual amenity of the area.*

7. The design and installation of all plant and machinery shall be such that the combined noise level shall not exceed NR 30 daytime (07:00 to 23:00 hrs) and NR 25 night time (23:00 to 07:00 hrs) as measured from within any living apartment in any neighbouring noise-sensitive premises. For the purposes of this condition the assessment position shall be as identified by BS 7445 in relation to internal noise measurements.

**Reason:** *To ensure noise from plant at the site does not cause an unacceptable level of nuisance to nearby noise sensitive dwellings.*

8. A scheme for the protection of the outdoor grass pitch shall be submitted to and approved in writing by the planning authority prior to the commencement of development on the site. Thereafter the approved protection scheme shall be implemented at the site.

**Reason:** *To ensure the outdoor grass pitch is protected from damage during the construction period.*

9. 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.*

10. Unless otherwise approved in writing by the planning authority, any floodlights or security lighting on the site shall not be used between the hours of 9.00pm and 7am. The floodlights and security lighting shall be designed to minimise the spillage of light outwith the site boundaries or up into the sky.

**Reason:** To minimise any impact on amenity of floodlighting and security lighting on the surrounding area.

11. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority; or alternatively it has been confirmed in writing to the planning authority that there is no contamination/previous mineral working requiring mitigation. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:

- I the nature, extent and types of contamination and/or previous mineral workings on the site;
- ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv the condition of the site on completion of the specified decontamination measures.

Before the new school building, new MUGA and new grass 7 aside kick about pitch are occupied/first come into use, the measures to decontaminate/remediate the site shall be fully implemented as approved by the planning authority.

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

12. Any floodlighting system and security lights shall be designed and installed such that there is no direct illumination of any neighbouring sensitive property and the lamp design shall be such that the actual lamps and inner surface of the reflectors visible from the neighbouring sensitive receptors' properties. The design of the lighting shall take account of the Guidance contained within the Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008.

**Reason:** *To ensure security lighting is designed and operated so that they do not cause unacceptable nuisance to neighbouring sensitive properties.*

13. The new school building hereby approved shall not come into use unless and until the car parking, cycle and scooter parking all delineated on docketed drawing No.LL(90)001 rev F, and the shelters over all of the cycle parking and scooter parking have been formed/erected and are made available for use. Thereafter, the car parking, cycle and scooter parking and shelters shall be retained unless otherwise approved by the Planning Authority.

**Reason:** *In the interests of road and pedestrian safety and to safeguard the amenity of the area.*

14. Acoustic design of the school in relation to internal and external levels shall be in accordance with Building Bulletin 93: Acoustic Design of Schools.

**Reason:** *To ensure the acoustic design of the school is acceptable in relation to nearby noise sensitive properties.*

15. Prior to the commencement of development on the site the following details shall be submitted to and approved in writing by the planning authority:
  - i. Details of the proposed cycle and scooter parking;
  - ii. Details of the SUDs proposals for the site;
  - iii. Details of the school Green Travel Plan;
  - iv. Details of the required road markings and signs to enable the disabled parking bays to be legally enforceable; and,
  - v. Details of the proposed Traffic Calming and pedestrian crossing facilities on George Avenue / Mayburn Avenue.
 Thereafter the details approved in relation to this condition shall be implemented at the site prior to any part of the development being completed or brought into use, whichever is the earlier date.

16. Development shall not begin until a scheme of archaeological investigation has been undertaken in accordance with details submitted to and approved in writing by the planning authority. The investigation shall include an archive assessment and an evaluation of 5% of the total site.

**Reason:** *To ensure that this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the Adopted Midlothian Local Plan.*

17. 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.*

18. Development shall not begin until the applicant has secured appropriate and alternative accessible and secure equipped play provision within the local area. Plans showing the alternative play provision as well as the equipment to be provided and details of surfacing and boundary treatment shall be submitted to and approved in writing by the planning authority. Thereafter the approved provision shall be implemented within six months of the approval being given by the planning authority or such other timescale as is approved by the planning authority.

**Reason:** *To ensure appropriate alternative play provision is made for local children. The existing play provision on the site is good and appropriate alternative and local provision should be made to address the loss of the existing play provision.*

19. Development shall not begin until details of overflow car parking for 39 cars on the site of the current library and medical centre has been submitted to and approved in writing by the planning authority. Thereafter the approved overflow parking area shall be implemented in accordance with the approved details within six months of development commencing at the site, or such other timescale as is approved in writing by the Planning Authority.

**Reason:** *To ensure adequate and appropriate car parking provision is made for the development, in accordance with the Council's parking standards.*

20. The entrance area to the community facility on the proposed new building shall be redesigned to improve its visibility and scale, and the fenestration details. Before the development commences, revised plans and elevation details shall be submitted to and approved by the Planning Authority. The approved details shall include external finish materials. The approved plans shall be implemented at the site in full.

**Reason:** *To ensure the entrance to the community facilities on the new building is legible on the new building.*

21. All of the entrance areas to the building shall incorporate slate detailing in panels, the details of which shall be submitted to and approved by the planning authority in writing prior to the commencement of development on the site. The approved detailing shall be implemented in full on the building.

**Reason:** *To improve the design of the new building and to improve the legibility of the five entrances to the building.*

(Action: Head of Communities and Economy).



**4. Application for Planning Permission in Principle (15/00712/PPP) by Midlothian Council, c/o AHR Architects Ltd for Residential Development at Land at Paradykes Primary School, Mayburn Walk, Loanhead.**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee agreed that planning permission be granted for the following reason:

*The proposed development is in an established residential area and is considered to be an acceptable 'windfall site' in relation to the Midlothian Local Plan being compliant with Policy RP20. It is acceptable in this location in principle subject to appropriate conditions and the required developer contributions.*

subject to

- (i) Securing the provision of affordable housing, children's play and open space, including maintenance provision and securing developer contributions towards education provision (non denominational primary and secondary school provision and denominational secondary school provision), community and leisure facilities and any identified roads/transportation or road traffic order requirements; and

- (ii) the following conditions:

1. The 'Proposed Housing Site Layout' ( Drawing Number: L(00)200 1:500 HOUSING LAYOUT) submitted with the application is not approved.

**Reason:** *The application is for planning permission in principle only and the details delineated within the site layout drawing are for illustrative purposes only.*

2. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of open space, structural landscaping, the SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

**Reason:** *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

3. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has 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 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 and sustainable urban drainage systems to manage water runoff;
  - viii proposed car park configuration and surfacing;
  - ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
  - x proposed play areas and equipment;
  - xi proposed cycle parking facilities; and
  - xii proposed area of improved quality (20% of the proposed dwellings).

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 RP8, RP20, RP31 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by

the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the proposed dwellings). 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.*

5. Development shall not begin until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways 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 roads and cycle ways in relation to a fixed datum;
  - ii. proposed vehicular, cycle and pedestrian accesses;
  - iii. proposed roads (including turning facilities), footpaths and cycle ways;
  - iv. proposed visibility splays, traffic calming measures, lighting and signage;
  - v. proposed construction traffic access and haulage routes;
  - vi. a green travel plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
  - vii. proposed car parking arrangements;
  - viii. proposed bus stops/lay-bys and other public transport infrastructure;
  - ix. a programme for completion for the construction of access, roads, footpaths and cycle paths;
  - x. proposed on and off site mitigation measures identified by the traffic assessment submitted with the application;
  - xi. The existing signs, street furniture and road markings associated with the primary school shall be removed and the public footway made good; and,
  - xii. The existing verge along Mayburn Walk should be widened to provide a continuous 2m wide pedestrian route from the proposed site access to the existing flat top table at the junction of Mayburn Vale where a pedestrian crossing point would be formed.

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.*

6. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
  - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
  - iv. the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

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

7. Development shall not begin until an application for approval of matters specified in conditions for 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.*

8. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Metal Detector Survey and Evaluation) and scheme of investigation has been submitted to and approved in writing in by the planning authority. The approved programme of works shall be carried out by a professional archaeologist prior to any construction works, demolition or pre commencement ground works take place unless otherwise agreed in writing by the planning authority.

**Reason:** *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the Adopted Midlothian Local Plan.*

9. The existing verge along Mayburn Walk should be widened to provide a continuous 2m wide pedestrian route from the proposed site access to the existing flat top table at the junction of Mayburn Avenue where a pedestrian crossing point would be formed.
10. Development shall not begin until an application for approval of matters specified in conditions for details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

(Action: Head of Communities and Economy)

5. **Application for Planning Permission (15/00616/DPP) by Charles Letts and Co Ltd, c/o McLaren, Murdock and Hamilton, Edinburgh for the Erection of 60 Dwellinghouses and 22 Flatted Dwellings, Formation of Access Road and Car Parking and Associated Works at Land East of Charles Letts And Co Ltd, Salter's Road, Dalkeith.**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

The Committee, in considering the proposed development, discussed the potential impact that construction traffic and noise might have on the nearby Dalkeith Schools Community Campus. Having heard from the Planning Manager in this regard, an offer to consult with the Dalkeith Ward Members regarding the hours of construction was welcomed and agreed.

Thereafter, the Committee agreed that, subject to the above, planning permission be granted for the following reason:

*Although the site is not allocated for housing in the adopted local plan the provisions of the emerging local development plan and material planning considerations outweigh this policy position in favour of the development. The site is identified for housing in the Proposed Midlothian Local Development Plan and is within the settlement boundary of Dalkeith.*

subject to

- (i) the prior signing of a legal agreement to secure the provision of affordable housing and developer contributions towards education provision, children's play provision, a contribution towards Borders Rail and a payment to the Council to secure a servitude to enable the construction of the cycleway/footway from the site to the public footway at Woodland View to the north; and
- (ii) the following conditions:
  - 1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
    - i. notwithstanding that delineated on docketed drawings, existing and finished ground levels and floor levels for all buildings, open spaces, SUDS 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. a woodland management plan for the retained woodland belts including proposals for replacement tree planting for to compensate for trees that would be lost;
    - iv. proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
    - v. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
    - vi. schedule of plants to comprise species, plant sizes and proposed numbers/density;
    - vii. 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/buildings on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
    - viii. drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;

- ix. proposed car park configuration and surfacing;
- x. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- xi. proposed cycle parking facilities; and
- xii. proposed area of improved quality.

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 details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space and structural landscaping, the SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

***Reason:*** *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

3. Prior to the first occupation of any dwelling on the site a 3m wide cycleway/ footpath shall be formed from the site from a point at the rear of Plot 43 to the public road at the end of the cul-de-sac at Woodland View to the north. This cycleway/footpath shall be constructed to an adoptable standard with street lighting. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

***Reason:*** *To ensure the provision of adequate cycle and pedestrian links through the site including to and from the local primary school and neighbourhood children's play area in the interest of the residential amenity of the future occupants of the houses and flats built on the site.*

4. Prior to works commencing on site details of the construction vehicles route and access into and out of the site shall be submitted for the prior written approval of the Planning Authority. The construction vehicles route and access into and out of the site shall accord with the detail so approved.

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

5. The hours of construction, including times when construction vehicles can access and egress the site shall be approved in writing in advance by the Planning Authority.

**Reasons:** *In the interests of road safety; and,*

*In the interests of safeguarding the amenity of neighbouring noise sensitive properties, including the schools located at Dalkeith Schools Campus and neighbouring residential properties.*

6. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the Planning Authority.

**Reason:** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

7. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained and the trees overhanging the site in accordance with the recommendations of the British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction'. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

**Reason:** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

8. The external finishing materials and finishes specified for the buildings and hard surfaces are not approved. Notwithstanding the material specified on drawings docketed to this planning permission, 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. Notwithstanding that specified on application drawings an enhanced quality of materials; including natural slate for roofs, shall be used in the area of improved quality which shall include plots: 1-16 inclusive. 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.*

9. 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.*

10. Development shall not begin until the following has been submitted to and approved in writing by the planning authority:

- i. Existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii. Proposed lighting and signage;
- iii. A programme for completion for the construction of access, roads, footpaths and cycle paths.

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.*

11. Prior to any house or flat being occupied the following shall be formed/carried out and made available for use to the approval of the planning authority.
  - a. The vehicular, cycle and pedestrian access details and routes delineated on docketed drawings;
  - b. The street lighting and signage approved by condition 12ii;

- c. The driveway of the house or parking space of the flat associated with it;
- d. The visitor parking spaces;
- e. The cycleways/footways within the site; and
- f. The cycle parking for the 22 flats with internal lighting and drainage as required.

**Reason:** *To ensure the safely and convenient access to the site and from the site in the interest of road safety.*

12. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
  - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
  - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

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

13. 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.*

14. Detailed drawings of the building and details of the external finishing materials and finishing colour of the substation shall be submitted for the prior written approval of the Planning Authority.

**Reason:** *To ensure that any substation is unobtrusive and does not detract from the character and appearance of the development.*

15. Prior to the occupation of the houses on Plots 44 and 56 and the flats within the southern block (Plots 61 to 68), the noise mitigation requirements detailed in Section 5.0 (Mitigation Requirements) of the RMP Environmental Noise Assessment report dated 23 March 2015 shall be carried out in full. Thereafter the noise mitigation measures shall remain in place for the duration of the operations of the Charles Letts and Co factory.

**Reason:** *To mitigate the potential effects of noise nuisance to residences on the site which otherwise could be significantly adversely affected by noise owing to the close juxtaposition of them to the Charles Letts and Co Ltd factory.*

16. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

(Action: Head of Communities and Economy).

**6. Application for Planning Permission (15/00692/DPP) by Aldi Stores Ltd, c/o GVA Grimley, Edinburgh for the Erection of retail unit and associated works at land at Mayshade Garden Centre, Eskbank Road, Bonnyrigg.**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, discussed the potential impact of the proposed development and whether the proposals would have a detrimental effect on neighbouring town centres. Some Members felt that the development would be better suited to a town centre location, although it was noted that the garden centre building did have an unrestricted Class 1 retail use. The potential impacts on the adjoining road network were also discussed, with concerns being expressed about the possible effects that additional traffic activity might have on Eskbank Road and the nearby roundabout on the A7.

Thereafter, Councillor Milligan, seconded by Councillor Baxter, moved that planning permission be refused on the grounds that the development would have a detrimental impact on neighbouring town centres and the adjoining road network.

As an amendment, Councillor Constable, seconded by Councillor Beattie, moved that planning permission be granted subject to the conditions detailed in the report.

On a vote being taken, eight Members voted for the motion and nine 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 development's non-compliance with policies RP1, RP2, SHOP1, SHOP5 and SHOP7 of the adopted Midlothian Local Plan is justified on account of the site benefiting from an unrestricted retail use which was established by the former garden centre business. The siting of the proposed retail unit, layout of the site and scheme of landscaping will protect against the coalescence of settlements. The design of the proposed retail unit will positively contribute to the appearance of the site, which is in a sensitive countryside location.*

subject to:

- (i) The prior signing of a legal agreement to secure developer contributions towards the A7 Environmental Improvements scheme; and
- (ii) the following conditions:
  - 1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
    - i. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
    - ii. proposed new planting, including trees, shrubs, hedging, wildflowers and grassed areas;
    - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
    - iv. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the car park and open spaces shall be completed prior to the retail unit being open for business. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);

- v. location and design of any proposed walls, fences and gates, including those surrounding ancillary structures; and,
- vi. drainage details and sustainable urban drainage systems to manage water runoff.

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 (iv). 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 RP1 and RP2 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 RP1 and RP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until details of the site access, roads, footpaths, cycle ways 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 roads and cycle ways in relation to a fixed datum;
  - ii proposed vehicular, cycle and pedestrian access;
  - iii proposed visibility splays, traffic calming measures, lighting and signage;
  - iv proposed construction traffic access and haulage routes;
  - 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, footpaths and cycle paths.

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 policy IMP1 of the Midlothian and national planning guidance and advice.*

(Action: Head of Communities and Economy).

### **Sederunt**

With reference to paragraph 1 above Councillor Baxter, having declared a non-pecuniary interest in the following item of business, left the meeting at 4.28pm, taking no part in the discussion thereof.

7. **Application for Planning Permission (14/00405/DPP) by Cala Management Ltd, c/o EMA Architecture and Design Ltd, Edinburgh for the Erection of 56 Dwellinghouses, Associated Infrastructure and Landscaping at Land 160m South West of Mayshade Garden Centre, Eskbank Road, Bonnyrigg.**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee in discussing the proposed development considered whether the proposals complied with development plan policies or if there were material planning considerations that indicated otherwise. It was noted that in the emerging development plan the site had been identified as a proposed housing site, and although the new local development plan still required to be examined and adopted, there was an argument that it was a material consideration. With regards the proposed development itself and in particular the potential access arrangements, the Committee were of the view that a signalised junction off Eskbank Road would be the best option.

Thereafter, Councillor Milligan, seconded by Councillor Imrie, moved that planning permission be granted subject to appropriate developer contributions and conditions, which should include a requirement that access to the development be by way of a traffic light controlled junction off Eskbank Road directly opposite the vehicular entrance to the Community Hospital.

As an amendment, Councillor Beattie, seconded by Councillor Johnstone, moved that planning permission be refused for the reasons detailed in the report.

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

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

*Although the site is not allocated for housing in the adopted local plan the provisions of the emerging local development plan and material planning considerations outweigh this policy position in favour of the development. The site is identified for housing in the Proposed Midlothian Local Development Plan and is to be incorporated within the settlement boundary of Bonnyrigg. The development by means of its layout, form, design and means of access presents an attractive residential development that is sympathetic to nearby residential properties and other land users and as such complies with the design and implementation policies in the adopted local plan and the emerging local development plan.*

subject to appropriate conditions, and developer contributions, to be determined by the Head of Communities and Economy, in consultation with the Chair.

(Action: Head of Communities and Economy).

### **Sederunt**

Councillor Parry left the meeting during consideration of the foregoing item of business, at 4.40pm