

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 26 August 2014 at 2.00 pm.

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

**Apologies for Absence:** - Councillors Baxter, Beattie, Boyes, Coventry and Montgomery.

**1. Declarations of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 27 May 2014 were submitted and approved as a correct record.

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

There was submitted report, dated 19 August 2014 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 heard from the Development Management Manager, who together with the Head of Communities and Economy, responded to Members' questions regarding the pre-application consultation received in respect of Land adjacent to Old Pentland Road, Loanhead and also the major application currently being assessed for a proposed residential development on Land to the North and South of Lasswade Road, Dalkeith.

In addition, the Committee discussed the decision by Wind Prospect Developments Limited, applicants for the proposed wind farm at Mount Lothian, Penicuik to exercise their right of appeal against non determination of the application (it had not been determined within four months of submission). The Development Management Manager explained that the scale and complexity of the application had meant it had been a challenging application to progress within the allotted timescale. It had originally been intended to progress the application prior to the summer recess however, this had been delayed to accommodate the applicant. Determination of the application would now pass to a Reporter appointed by the Scottish Ministers. The pre determination hearing and Members' site visit scheduled for 26 September 2014 would therefore be cancelled. Interested parties would still have the opportunity to make further representation as part of the appeal process.

### **Decision**

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2014; and
- (b) To receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Communities and Economy)

### **Declaration of Interest**

Councillor de Vink declared a non pecuniary interest in the forgoing item of business insofar as consideration of the proposed wind farm at Mount Lothian, Penicuik was concerned. He took no part in the discussion thereof, but did remain in attendance throughout.

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

There was submitted report, dated 19 August 2014, by the Head of Communities and Economy, detailing the notices of reviews determined by the Local Review Body (LRB) at its meeting in June 2014 and also detailing the outcome of an appeal and claim for an award of expenses determined by Scottish Ministers.

The report advised that the appeal by Scotmid was against the refusal of planning permission (13/00853/DPP) for the change of use from vacant shop (Class 1) to hot food takeaway (sui generis) and installation of external flue at 24 High Street, Penicuik. The Scottish Ministers had allowed the appeal and had granted planning permission subject to conditions. In addition, Ministers had also upheld a claim for an award of expenses, finding the Council liable to the appellant in respect of the expenses of the appeal.

### **Decision**

- (a) To note the decisions made by the LRB at its meeting on 3 June 2014; and
- (b) To note the outcome of the appeal and claim for an award of expenses determined by Scottish Ministers.

## **5. Application for Planning Permission**

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

The meeting terminated at 2.59 pm.

## APPENDIX

(relative to paragraph 5)

**1. Application for Planning Permission (14/00388/DPP) by Midlothian Council for the Erection of Secondary School and Community Facilities with Associated External Sports Facilities, Playground and Car Parking at Easthouses Public Park, Easthouses Road, Easthouses**

There was submitted report, dated 19 August 2014, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Development Management Manager, discussed whether the proposed car parking provision was sufficiently adequate to meet the demand likely to be generated by the new Hub facilities. Whilst efforts to encourage alternative means of travel through the Green Travel Plan and Safer Routes to School were to be commended, the experience of other new facilities, such as the Lasswade Centre and Bonnyrigg Primary School were that there would still be a heavy reliance on private cars, which would require to be catered for otherwise it could simply be storing up problems for the future.

Thereafter the Committee agreed that, subject to the provision for car parking being re-examined in more detail by the officials in consultation with the Chair, planning permission be granted for the following reason:-

*The use of the site for education, community, sport and leisure uses to create a hub of facilities within an accessible location is supported in terms of development plan policies. The design and layout of the development is acceptable and, subject to conditions, it is compatible with the landscape and neighbouring land uses. The presumption in favour of development is not outweighed by any material planning considerations.*

subject to 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 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 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 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 sustainable urban 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 proposed cycle parking facilities;
- xii proposed woodland management plan for any existing, to be retained, and proposed woodland;
- xiii details of existing and proposed services; water, gas, electric and telephone;
- ix external lighting, and
- x details, including the location of all street furniture and visitor cycle parking.

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 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;
- viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
- ix proposed bus stops/lay-bys and other public transport infrastructure;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths;
- xi the two zebra crossings;
- xii the high level kerbing required at the 7 bus bays;
- xiii gabion basket retaining wall/footpath drainage
- xiv drainage from the SUDs pond to the outfall
- xv the permeable paving and car park drainage system; and
- xvi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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.*

3. 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.*

4. The grass pitches and synthetic pitch will be designed and constructed by a recognised (e.g. SAPCA\* registered) specialist pitch contractor; details of contractor and pitches specification shall be submitted for the written approval of the planning authority prior to the commencement of development.

\*SAPCA is The Sports and Play Construction Association ([www.sapca.org.uk](http://www.sapca.org.uk))

**Reason:** *To ensure the pitches are designed and constructed to an acceptable standard.*

5. The outdoor sports facilities shall be completed and operational within 1 year of completion or occupation of the school campus building, whichever is the earlier.

**Reason:** *To ensure the outdoor sports facilities are provided timeously.*

6. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

7. The treated wood panelling shown on the external walling of the building shall be 'Prodema Madera/Wood' colour 'Rustik' unless an alternative natural wood finish is agreed in writing with the planning authority.

**Reason:** *The 'Prodema Madera/Wood' finish specified is considered to be a good finish for the building in this location and without it the building would have a more standard external appearance therefore it is considered important that this quality of finish is retained.*

8. 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 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 offsite road works shown on plan reference number MLCV-RD-001 A1 OFF SITE WORKS shall be completed prior to the building hereby approved being occupied or brought into use, whichever is the earlier. Construction details of the proposed works shall be submitted prior to and approved in writing by the Planning Authority in consultation with the Roads Authority, prior to the off-site works being carried out.

**Reason:** *To ensure the offsite works necessary to provide appropriate pedestrian/cycle access to the site and appropriate bus infrastructure provision are carried out timeously.*

10. Unless otherwise approved in writing by the planning authority, any floodlights on the site shall not be used between the hours of 10pm and 7am. Any floodlighting 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 on the surrounding area.*

11. 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.*

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.*

(Action: Head of Communities and Economy)

**2. Application for Planning Permission (14/00203/DPP) by J Haig Hamilton and Sons Infilling of Land between Pentland Burn and A720 City Bypass, Pentland Road, Damhead**

There was submitted report, dated 19 August 2014, by the Head of Communities and Economy concerning the above application.

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

*The proposed re-engineering of the ground levels will improve the condition of the land for agricultural use, will introduce an area of improved wetland habitat, will have no long term adverse impacts upon landscape quality or ecological value of the site, and any adverse impacts upon traffic, road safety or residential amenity will be both of an acceptable level and of a temporary nature. The proposal therefore complies with the policies of the statutory Development Plan.*

subject to the following conditions:

1. Prior to the commencement of works on site, the applicant shall submit the following for the prior written approval of the planning authority;
  - a. details of the access road which shall incorporate the first 20 metres of track in a non-loose material, and with a further 10 metres in clean hardcore. The approved access shall be constructed prior to the commencement of works on site;
  - b. a road cleaning method statement for approval detailing how Pentland Road shall be kept clear of all debris attributable to vehicle movements from the application site by means of regular road sweeping by a suitable road cleaning vehicle. The approved details shall be implemented in full during the implementation of the planning permission; and,
  - c. a traffic management plan detailing haulage routes, the control of traffic movements to and from the site, and a restriction of the speed of lorries along Pentland Road shall be submitted to and approved in writing by the planning authority, and this shall ensure that all vehicles enter the site from the direction of the A702 and depart in the direction of the A701.

***Reason:*** *In the interest of road safety, and to reduce the possibility of loose material being carried from the site onto the public road, and to ensure that the movement of heavy goods vehicles is safely managed and so as to mitigate any risk to pedestrians and other road users and to ensure that vehicles adhere to the most appropriate route to the site.*

2. Prior to the commencement of works on site, the applicant should enter into an agreement with the Council under the Roads Scotland Act, to fund any additional repairs required to Pentland Road due to the exceptional traffic volumes arising from the landfill operation, and this shall take the form of a photographic or video inspection of the road surface prior to the landfill commencing with intermediate and a final inspection following completion of the project.

***Reason:*** *In order to ensure that any damage to the road attributable to the infilling operation is repaired at the applicant's expense and in the interest of road safety.*



3. No works shall take place until a Method Statement has been submitted to and approved in writing by the local planning authority, in consultation with Transport Scotland, containing measures to control the emission of dust particles from the site.

**Reason:** *To prevent dust particles from being blown onto the Trunk Road Network.*

4. The resultant ground levels after infilling and restoration shall at no point exceed the original ground levels by any more than 2.0 metres.

**Reason:** *In order to protect the landscape character of the area, and to accord with the terms of the SEPA license exemption.*

5. Only inert soil and stone shall be used for infilling purposes and the material shall arrive at the site in a condition suitable for purpose and no crushing or breaking up of material shall be carried out on or adjacent to the site.

**Reason:** *To ensure that only appropriate materials are used for land raising and to ensure there is no pollution of the ground or nearby watercourses and prevent any contamination that may lower the quality of the soil for agriculture or wildlife.*

6. Prior to the commencement of any land raising operations or any importing of material into the site, a site surface drainage strategy and plan shall be submitted to and approved by the planning authority in consultation with SEPA.

**Reason:** *To ensure that the subsequently raised land is adequately drained to the watercourse.*

7. Within 6 months of the cessation of infilling operations the drainage strategy shall be implemented in full, as per the details agreed under condition 6 above.

**Reason:** *In order to ensure that restoration is successfully carried out and adequate drainage provided.*

8. Prior to the commencement of any land raising operations or any importing of material into the site, a site restoration plan shall be submitted to and approved by the planning authority including details of all final levels, sections, soil profiles and any planting and boundary treatments proposed.

**Reason:** *To demonstrate how the site will be successfully restored to an agricultural use.*

9. This planning permission for land raising operations is granted for a limited period of 60 months from the date of the issue of consent, with restoration following immediately after this period.

**Reason:** *Due to the temporary nature of the proposed development and to mitigate the visual impact on the locality.*

10. Within 12 months of the cessation of infilling operations the site restoration shall be implemented in full, as per the details agreed under condition 8 above.

**Reason:** *In order to ensure that restoration is successfully carried out and adequate drainage provided.*

11. No operations shall take place outwith the hours of 08.00 to 18.00 on Mondays to Fridays inclusive and 08.00 to 13.00 on Saturdays. Operations shall include offloading and spreading of fill material, final restoration, initial preparation of the site, wheel washing, vehicle servicing, plant delivery, and the movement of vehicles entering or leaving the site. No work shall be carried out on Sundays, public holidays or bank holidays.

**Reason:** *To minimise the effect the impact of the development on the amenity of residents living in the vicinity of the site or the route to the site.*

12. The free-field Equivalent Noise level ( $L_{Aeq}$ , 1 hour) due to the operations shall not exceed 45dB as recorded at any existing noise sensitive property, as detailed in section 17.2 of the Environmental Statement.

**Reason:** *To minimise the effect the impact of the development on the amenity of residents living in the vicinity of the site or the route to the site.*

13. At all times that the site is operational; including site preparation, land raising operations and site restoration, all reasonable measures shall be taken to minimize the transmission of dust from the site. These measures include all the mitigation proposals detailed in Section 17.4 (Air Quality) of the Environmental Statement. Where justified dust complaints are received, mitigating action, to be agreed in writing with the planning authority, shall be carried out as soon as is practicable.

**Reason:** *To minimise the effect the impact of the development on the amenity of residents living in the vicinity of the site or the route to the site.*

14. Within 12 months of the granting of this planning permission the applicant or their successors shall submit details of the proposed wetland habitat area detailing all ground engineering works, final levels, details of all water bodies, and a full specification of all planting, to be agreed by the planning authority in consultation with relevant wildlife organisations.

**Reason:** *In order that the wildlife interests of the site are enhanced or at least preserved.*

15. The wetland area agreed under condition 14 above shall have been fully implemented to the agreed specification within 12 months of the completion of land raising operations. The wetland area shall thereafter be monitored for a period of no less than 5 years during which time any loss of planting or deterioration in the condition of the wetland shall be made good by the applicant or their successors.

**Reason:** *In order to ensure that the wetland area becomes successfully established and provides the wildlife benefits that will ensure that the wildlife interests of the area are enhanced or at least preserved.*

16. No trees or hedges within or adjoining the site shall be removed or lopped without the prior written approval of the planning authority.

**Reason:** *In order to protect trees on site and in the interest of local landscape character.*

(Action: Head of Communities and Economy)

**3 Application for Planning Permission in Principle (13/00877/PPP) by BBSRC for the Residential Development of Land Previously Occupied by The Roslin Institute and Land Presently Occupied by the Roslin Biocentre, Roslin**

There was submitted report, dated 19 August 2014, by the Head of Communities and Economy concerning the above application.

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

*Although the site is not allocated for housing in the adopted local plan; the southern part of the site is identified for housing in the Midlothian Local Development Plan development strategy and the northern part of the site is classed as a brownfield site where appropriate redevelopment could be supported. There is also a clearly demonstrable economic development benefit to Midlothian and Scotland, in terms of the security and expansion of the Roslin Institute and related parts of the animal biosciences sector. This positive benefit in favour of development outweighs any concerns with regard granting permission prior to the Midlothian Local Development Plan development strategy progressing to adoption. These material considerations outweigh the fact that the site is not allocated in the current adopted 2008 Midlothian Local Plan.*

Subject to:

- (i) the prior signing of a legal agreement to secure the provision of affordable housing, contributions towards education provision, children's play provision, improvements to community facilities, road improvements including any realignment of the A701, as well as works to secure safe routes to schools and contributions relating to sites included within the development strategy identified in the Action Plan adopted as part of the MLDP; and,

(ii) the following conditions:

1. The masterplan submitted with the application is not approved.

**Reason:** *The application is for planning permission in principle only and the details delineated within the masterplan 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 affordable housing, the provision of open space, structural landscaping, 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 on an individual phase of development (identified in compliance with condition 2) 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 (minimum of 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 policy DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) 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). No building shall have an under-building that exceeds 0.5 metres in height above ground level. 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 DP2 of the adopted Midlothian Local Plan and national planning guidance and advice.*

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) 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, footways and cycle ways in relation to a fixed datum;
  - ii the proposed vehicular, cycle and pedestrian accesses into the site;
  - iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the new housing with the local primary school and the rest of Roslin;

- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a residential 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 a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- ix proposed on and off site mitigation measures identified by the residential Green Travel Plan submitted with the application.

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. The 'Percent for Art' shall reference, give context to and/or provide information relating to the historic battle of Roslin.

**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 buried archaeological material in accordance with Policy RP28 of the Adopted Midlothian Local Plan.*

9. Development shall not begin until an application for approval of matters specified in conditions for bat and badger mitigation measures has been submitted to and approved in writing in by the planning authority. The application shall include separate bat and badger surveys undertaken by a suitably qualified ecologist. The bat and badger surveys shall cover the site and the plantation woodland bounding the site application and shall include recommended mitigation measures.

**Reason** *In the interests of safeguarding bats and badgers*

(Action: Head of Communities and Economy)

**4 Application for Planning Permission (14/00293/DPP) by Mr G Russell for the Erection of Four Retail Units (Part Retrospective) at Soutra Mains Farm, Blackshiels, Fala, Pathhead.**

There was submitted report, dated 19 August 2014, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Development Management Manager, discussed the Policy position and whether there are any material planning considerations which would otherwise justify approval.

Consideration was also given to the decision of the Local Review Body to uphold refusal of planning permission for retail units in this location as reported to the Committee on 25 February 2014 (paragraph 4, page 4-157 refers).

Thereafter, Councillor de Vink, seconded by Councillor Constable, moved that planning permission be granted subject to appropriate conditions to be prepared by the Head of Communities and Economy, in consultation with the Chair.

As an amendment, Councillor Milligan, seconded by Councillor Muirhead, moved, that planning permission be refused for the reasons given in the report.

On a vote being taken, three Members voted for the motion and nine for the amendment.

The Committee thereby agreed that planning permission be refused for the following reasons:-

1. *The proposed development would comprise a development in the countryside for which it has not been demonstrated that there is an operational requirement for a countryside location. Accordingly, the proposed development is contrary to the adopted Midlothian Local Plan (2008) policies RP1, SHOP5 and ECON8.*
2. *As the application site is in a remote countryside location it is not in one of the acceptable types of locations, as specified in the sequential town centre first approach identified in the Scottish Planning Policy. As no sequential test has been submitted for assessment it has not been demonstrated, to the satisfaction of the Planning Authority, that the site is appropriate for the proposed use and that there are no other more sustainable or suitable sites which could accommodate the development more appropriately. Accordingly, the proposed development is contrary to the SPP, policy 3 of the Strategic Development Plan and policy SHOP5 of the adopted Midlothian Local Plan.*
3. *It has not been demonstrated to the satisfaction of the Planning Authority that the operation of the proposed retail complex would not undermine the vitality and viability of Midlothian's town centres, in particular Pathhead.*
4. *It has not been demonstrated that the retail complex could operate successfully without having a significant and adverse impact on road safety on the trunk road.*

(Action: Head of Communities and Economy)



**5 Application for Planning Permission (14/00499/MSC) by Miller Homes for the Erection of 10 Dwellinghouses, Formation of Access and Associated Works (Approval of Matters specified in Conditions 1, 2, 3 and 4 of Planning Permission 13/00484/DPP) at Land 180m South East of Edinburgh College, Dalhousie Road, Dalkeith.**

There was submitted report, dated 19 August 2014, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Development Management Manager, discussed whether the site could accommodate the layout and design of house types being proposed by the applicants. Consideration was also given to the potential impact on the mature woodland to the south east and to the possible effects that this area of mature woodland might have on the proposed development.

Thereafter, Councillor Imrie, seconded by Councillor Thompson, moved that planning permission be granted subject to appropriate conditions to be prepared by the Head of Communities and Economy, in consultation with the Chair.

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

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

(Action: Head of Communities and Economy)