

Minute of Meeting

Planning Committee
Tuesday 20 February 2018
Item No 4.1



Planning Committee

| Date | Time | Venue |
|----------------|---------|--|
| 9 January 2018 | 2.00 pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

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|--------------------------|----------------------|
| Councillor Imrie (Chair) | Councillor Alexander |
| Councillor Baird | Councillor Cassidy |
| Councillor Curran | Councillor Hackett |
| Councillor Hardie | Councillor Johnstone |
| Councillor Lay-Douglas | Councillor Milligan |
| Councillor Muirhead | Councillor Munro |
| Councillor Russell | Councillor Smail |

1. Apologies

Apologies received from Councillors McCall, Montgomery, Parry and Winchester.

2. Order of Business

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

3. Declarations of interest

Councillor Baird declared a non-pecuniary interest in agenda item 5.6 - Application for Planning Permission for the Erection of 179 Dwellinghouses and 20 Flatted Dwellings, Formation of Access Road and Car Parking and Associated Works at land north of Oak Place, Mayfield (16/99134/DPP) – on the ground that the proposed development site was visible from his property. He indicated that he felt the nature of his interest was such that he did not feel it necessary to withdraw and he would remain in attendance during the debate, although he would not contribute to any discussion on this particular item.

4. Minutes of Previous Meetings

The Minutes of (i) Meeting of 14 November 2017 and (ii) Special Meeting of 5 December 2017 were submitted and approved as correct records.

With regards to paragraph 5.8 of the minutes of meeting of 14 November 2017, Councillor Hackett drew the Committee's attention to remarks that had been made following the meeting concerning the way in which he had voted on this particular application having been unduly influenced by party politics. He assured Members that given the quasi-judicial nature of the Committee that this was not the case and that the reason he had called the application in was that he was interested to hear other Members' views on the matter.

The Chair reiterated Councillor Hackett's comments regarding the quasi-judicial nature of the Committee, emphasising that there was no party whip and it was for individual members to come to their own views on the individual merits of any particular application. In the event that there was a difference of opinion then by all means discuss it, but do so in a manner that befitted the standing of the Committee.

5. Reports

| Agenda No | Report Title | Presented by: |
|-----------|--|----------------|
| 5.1 | Supplementary Guidance: Green Networks | Peter Arnsdorf |

Executive Summary of Report

There was submitted report, dated 22 December 2017, by the Head of Communities and Economy, seeking the Committee's agreement to undertake a formal consultation on its proposed 'Green Networks' supplementary guidance; a copy of which was appended to the report.

The report explained that the Midlothian Local Development Plan 2017 (MLDP), which had been adopted by the Council at its meeting on 7 November 2017, had included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance was required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas which needed further clarification was with regard Midlothian's Green Networks.

The supplementary guidance provided a framework supporting the delivery of the green network across the whole of Midlothian. The green network being connected areas of green and blue spaces within, around and between towns and villages that provided usable open space, active travel routes (routes for walking and cycling), habitats for wildlife and plants, and natural surface water and flood water management opportunities.

Summary of Discussion

The Committee, having heard from the Planning Manager, welcomed the Supplementary Guidance and looked forward to seeing the comments received as a result of the public consultations.

Decision

After further discussion, the Committee:-

- a) approved the draft Green Network Supplementary Guidance for consultation; and
- b) noted that a further report on the Green Network Supplementary Guidance would be brought forward for consideration following conclusion of the consultation period.

Action

Head of Communities and Economy/Planning Manager

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

| Executive Summary of Report |
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| There was submitted report, dated 22 December 2017, by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting. |
| Decision |
| The Committee, having heard from the Planning Manager, agreed:- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2018; and (b) To note the updates for each of the applications. |
| Action |
| Head of Communities and Economy |

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.3 | Appeal and Local Review Body Decisions | Peter Arnsdorf |
| Executive Summary of Report | | |
| There was submitted report, dated 22 December 2017, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in November 2017, and advising that there were no appeals determined by Scottish Ministers to report. | | |
| Decision | | |
| The Committee, having heard from the Planning Manager, noted the decisions made by the Local Review Body at its meeting on 7 November 2017. | | |
| Action | | |
| Head of Communities and Economy | | |

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.4 | Pre-Application Consultation: Proposed Mixed Use Development Comprising Offices, Stores, Garage and Workshops, Enterprise Business Units, Parking and Ancillary Facilities at land west of Burnbrae Terrace, Bonnyrigg (17/00721/PAC). | Peter Arnsdorf |
| Executive Summary of Report | | |
| There was submitted report, dated 22 December 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed mixed use development comprising offices, stores, garage and workshops, enterprise business units, parking and ancillary facilities at land west of Burnbrae Terrace, Bonnyrigg. (17/00721/PAC). | | |

The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Summary of Discussion

The Committee, having heard from the Planning Manager, acknowledged concerns regarding the change in the allocated class uses for the site and also questions regarding whether these were sufficient to accommodate the proposed development. There was also concerns expressed regarding the compatibility of such uses with the neighbour residential sites. It being suggested that, especially in the case of those neighbouring site(s) which had not yet been developed out, the provision for the inclusion of mitigating measures to allow for the prospective Classes Uses approved in relation to the adjoining 'economic development site' should be made. It was also felt that a full environment impact assessment and mitigating measures would be required for the application site.

Decision

- (a) To note the provisional planning position set out in the report;
- (b) To note the comments made by Members; and
- (c) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

Action

Head of Communities and Economy

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.5 | Pre-Application Consultation: Proposed Residential Development at land at Gore Avenue and Newbryes Crescent, Gorebridge (17/00913/PAC) | Peter Arnsdorf |
| Executive Summary of Report | | |
| There was submitted report, dated 22 December 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development at land at Gore Avenue and Newbyres Crescent, Gorebridge (17/00913/PAC). | | |

The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Summary of Discussion

Having heard from the Planning Manager, the Committee in considering the proposed development, discussed the importance of the layout being sympathetic to the existing surrounding properties/infrastructure and topography of the site. There was also a need to avoiding the shortcomings of the previous scheme, where there had been drainage issues, a void space at the rear of the gardens of existing properties in Newbyres Crescent and rear gardens that we laid out in such a way that they made routine upkeep extremely challenging. Finally, given the history of the site, provision need to be include to ensure that appropriate measures were taken to address any geological risks.

Decision

- (a) To note the provisional planning position set out in the report;
- (b) To note the comments made by Members; and
- (c) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

Action

Head of Communities and Economy

| Agenda No | Report Title | Presented by: |
|---|--|----------------|
| 5.6 | Application for Planning Permission for the Erection of 179 Dwellinghouses and 20 Flatted Dwellings, Formation of Access Road and Car Parking and Associated Works at land north of Oak Place, Mayfield (16/99134/DPP) | Peter Arnsdorf |
| Executive Summary of Report | | |
| There was submitted report, dated 7 November 2017, by the Head of Communities and Economy concerning the above application. | | |
| Decision | | |
| Having heard from the Planning Manager, the Committee agreed that planning permission be refused for the following reasons: | | |

1. There is not an education solution to accommodate all of the school children that would arise from the proposed residential development of the site, in particular non-denominational primary school children and as such the proposed development does not accord with policies IMP1 and IMP2 of the Midlothian Local Development Plan 2017.
2. The provision of up to 40 (20%) affordable housing units falls below the 25% (50 units) requirement set by policy DEV3 of the Midlothian Local Development Plan 2017. No reasoned justification, for the development in an area of housing need, has been submitted to support the below policy provision.
3. The proposed development of the site for 199 residential units, when the site is allocated for 63 residential units, is an overdevelopment of the site which is detrimental to the character and amenity of the area and the future occupants of the development contrary to policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017. The overdevelopment of the site is demonstrated by the large proportion of the proposed dwellings having unduly small sized rear private gardens, there being inadequate communal open space and children's play areas, inadequate spacing between proposed and existing dwellings, excessive raising in site levels and likely engineering works, including retaining structures to facilitate the development and buildings not being optimally orientated relative to the sites contours.
4. The engineering works to re-grade the levels on the site; in particular on the western part of the site, would be unduly visually dramatic, contrived and intrusive in the landscape to the detriment to the landscape and character and amenity of the area. Therefore the proposed development is contrary to policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017.
5. It has not been demonstrated to the Planning Authority that the contiguous height of retaining structures and boundary walls/fences required to be erected on the site to facilitate the proposed number of residential units and the proposed layout, would not impose themselves on the proposed houses or appear unduly intrusive, harmful to the character and amenity of the area. Therefore the proposed development is contrary to policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017.
6. Insufficient information has been submitted with the planning application to demonstrate to the Planning Authority that the SUDS detention basin would not pose a safety and security risk as a result of it not having adequate passive surveillance. Therefore the proposed development is contrary to policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017.
7. It has not been demonstrated to the Planning Authority that service vehicles can be manoeuvred through the site without posing a risk to pedestrians and other road users and also damage to property.

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|---------------------------------|---|
| 8. | The proposed development does not provide a 'Safe Route to School' or 'Green Network' to Lawfield Primary School from a point in the vicinity of the south western corner of the site contrary to policies TRAN1, ENV2, IMP1 and IMP2 of the Midlothian Local Development Plan 2017 and the aspiration of the Scottish Government policy statement 'Designing Street' that a connected permeable network be provided for in new developments. |
| 9. | Insufficient information has been submitted with the application to enable the Planning Authority to assess whether the proposed parking meets the Council's parking standards. |
| 10. | No cycle parking is proposed for the flats. Therefore the future occupants of the proposed flats would not be afforded adequate residential amenity and the proposed development does not accord with Midlothian Council's cycle parking standards. |
| Action | |
| Head of Communities and Economy | |

| Agenda No | Report Title | Presented by: |
|--|---|----------------|
| 5.7 | Application for Planning Permission for the Formation and Installation of Sustainable Urban Drainage System (SUDS) at land at Easter Bush Campus, Bush Farm Road, Roslin (17/00773/DPP) | Peter Arnsdorf |
| Executive Summary of Report | | |
| There was submitted report, dated 22 December 2017, by the Head of Communities and Economy concerning the above application. | | |
| Decision | | |
| The Committee, having heard from the Planning Manager, agreed that planning permission be granted for the following reason: <i>The proposed development will support the furtherance of existing activities within the Bush Bioscience Cluster. The proposal therefore complies with the aims of policies STRAT1, STRAT5 and ECON2 of the adopted Midlothian Local Development Plan 2017.</i> | | |
| Action | | |
| Head of Communities and Economy | | |

The meeting terminated at 2.30pm.