

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE

held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 13 March 2012 at 2.00 pm.

Present: - Councillors Imrie (Chair), L Beattie, Bennett, Constable, Milligan, Moffat, Montgomery, Muirhead, Russell, Thacker, Thompson and Wilson.

Apologies for Absence: - Councillors Aitchison, C Beattie, Boyes, Brown, Chalmers and Statham.

1. Declarations of Interest

No declarations of interest were intimated.

2. Minutes

The Minutes of Meeting of 14 February 2012 were submitted and approved as a correct record.

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

With reference to paragraph 3 of the Minutes of 14 February 2012, there was submitted report, dated 6 March 2012, by the Head of Planning and Development, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

The Development Management Manager advised that the planning application for the proposed residential development at Land at Greenlaw Mains, Mauricewood Road, Penicuik had now been received. He also responded to Members questions regarding the procedures being followed in progressing the application for the proposed development of a wind farm at Fala Moor, given that part of the site was in Midlothian and part in Scottish Borders.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2012; and
- (b) To agree to receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Planning and Development).

4. Changes to Householder Permitted Development Rights in Scotland

There was submitted report, dated 6 March 2012, by the Head of Planning and Development, updating the Committee on changes to householder permitted development rights introduced by the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011, which came into effect on 6 February 2012.

The Committee, having heard from the Development Management Manager, who responded to Members questions, discussed some of the implications of the new householder permitted development rights.

Decision

- (a) To note the changes to Householder Permitted Development Rights;
- (b) To agree to appropriate publicity being undertaken to inform communities in Midlothian of these changes;
- (c) To agree that a review of the Council's Supplementary Planning Guidance on 'dormer extensions' and 'rear extensions to single storey terraced and semi detached houses' be undertaken; and
- d) To agrees that a review of the Council's Article 4 Directions (removal of permitted development rights in Conservation Areas) be also undertaken.

5. Applications for Planning Permission

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

6. Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item as contained in the addendum hereto, as there might be disclosed exempt information as defined in paragraph 6 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Application for Planning Permission (09/00370/FUL) for the Erection of 88 Dwellinghouses and 6 Flatted Dwellings and Formation of Associated Access Roads and Sustainable Urban Drainage Systems (SUDS) at Whitehill House, Rosewell – Endorsed the Cabinet decision of 6 March 2012.

The Committee thereafter agreed to proceed as detailed in the addendum hereto.

The meeting terminated at 2.35pm.

APPENDIX

(relative to paragraph 5)

1. Application for Planning Permission (12/00054/DPP) by Midlothian Council Corporate Resources c/o Hackland + Dore Architects Ltd for the Erection of 14 Dwellinghouses and Associated Parking at Land Adjacent to Lauder Road and Woodburn Road, Dalkeith.

There was submitted report, dated 6 March 2012, by the Head of Planning and Development concerning the above application.

Having heard from the Development Management Manager, who responded to Members questions, the Committee agreed that planning permission be granted for the following reason:

The site is within a predominantly residential area and the development respects the character of the surrounding built up area, it preserves the amenity of neighbouring residents, it contains adequate parking provision to meet its needs, and achieves an appropriate standard of design. The development therefore accords with the policies of the development plan.

subject to:-

- (a) developer contributions towards education provision, children's play provision, town centre improvements and the Borders Rail Line; and
- (b) the following conditions:
 - 1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.
 - 2. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and 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 in communal areas and open space, including trees, 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; and
- x proposed cycle parking facilities;

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.

3. 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.
4. 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, footpaths and cycle ways;
 - iv proposed visibility splays, traffic calming measures, lighting and signage;
 - 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.

5. Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:
- i the nature, extent and types of contamination on the site;
 - ii measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
 - iii measures to deal with contamination 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.

6. The buildings hereby permitted shall be served by zero and/or low carbon equipment to achieve a reduction of 15% carbon dioxide emission below the 2007 building regulations carbon dioxide emissions standard, in accordance with Policy NRG3 of the adopted Midlothian Local Plan, unless otherwise agreed in writing by the Planning Authority following submission of appropriate SAP/SBEM calculations and a written justification of any alternative approach taken. The zero and/or low carbon equipment installed shall accord with the information submitted as part of the application unless otherwise approved in writing by the Planning Authority. The low and zero carbon equipment and/or other measures approved in terms of this condition shall be implemented at the site in full and an appropriate person approved by the Scottish Government's Building Standards Division regarding Design (Energy) shall certify that the zero and/or low carbon equipment and/ other measures approved in terms of this condition have been installed, prior to the house being occupied.
7. 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.
8. Notwithstanding that delineated on docketed drawings HD928(PL)100 planning permission is granted only for the development contained within the red line on that docketed drawing and not for the development contained within the boundary of the blue line on that docketed drawing.
9. The window openings which serve living apartments within the south elevation of the buildings which face onto Lauder Road shall be installed with acoustic double glazed windows incorporating acoustic vents.

(Action: Head of Planning and Development)

2. Application for Planning Permission (12/00023/DPP) by Midlothian Council Corporate Resources c/o Hackland + Dore Architects Ltd for the Erection of Care Home (providing accommodation for four children) at Land to the South East of 4 Woodburn Road, Dalkeith.

There was submitted report, dated 6 March 2012, by the Head of Planning and Development concerning the above application.

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

The site is within a predominantly residential area and the development respects the existing character and amenity of the area and preserves the amenity of neighbouring residents. Adequate car parking provision is provided. The scheme achieves an appropriate standard of design. The development therefore accords with the policies of the development plan.

subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.
2. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and 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 in communal areas and open space, including trees, 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; and
 - x proposed cycle parking facilities;

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.

3. 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.
4. 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, footpaths and cycle ways;
 - iv proposed visibility splays, traffic calming measures, lighting and signage;
 - 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.

5. Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:
 - i the nature, extent and types of contamination on the site;
 - ii measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
 - iii measures to deal with contamination 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.

6. The buildings hereby permitted shall be served by zero and/or low carbon equipment to achieve a reduction of 15% carbon dioxide emission below the 2007 building regulations carbon dioxide emissions standard, in accordance with Policy NRG3 of the adopted Midlothian Local Plan, unless otherwise agreed in writing by the Planning Authority following submission of appropriate SAP/SBEM calculations and a written justification of any alternative approach taken. The zero and/or low carbon equipment installed shall accord with the information submitted as part of the application unless otherwise approved in writing by the Planning Authority. The low and zero carbon equipment and/or other measures approved in terms of this condition shall be implemented at the site in full and an appropriate person approved by the Scottish Government's Building Standards Division regarding Design (Energy) shall certify that the zero and/or low carbon equipment and/ other measures approved in terms of this condition have been installed, prior to the house being occupied.
7. 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.
8. The window openings which serve living apartments within the south elevation of the buildings which face onto Lauder Road shall be installed with acoustic double glazed windows incorporating acoustic vents.
9. Notwithstanding that delineated on docketed drawings HD928(PL)002 planning permission is granted only for the care home and associated work contained within the red line on that docketed drawing and not for the development contained within the boundary of the blue line on that drawing.
10. Notwithstanding that delineated on docketed drawings unless and until the new parking courtyard is formed and made available for use on the neighbouring site to the north and east as delineated on docketed drawing HD928(PL)002, the existing vehicular access road to the site; which extends to the south east corner of the site shall be retained and 2 temporary car parking spaces shall be provided along the east boundary of the site to serve the care home. A plan delineating the two temporary parking spaces shall be submitted for the prior approval of the Planning Authority. Within three months of the said parking courtyard being formed on the neighbouring site, the two temporary car parking spaces and access road to them shall be removed and the site restored to a condition to be approved in advance by the Planning Authority. There shall be no variation therefrom unless with the prior approval of the Planning Authority.
11. Other than where the sections of it is to be removed to form the pedestrian accesses to the building off Lauder Road as delineated on docketed drawing HD928(PL)002, the existing hedge along the south roadside boundary of the site shall be retained unless with the prior approval of the planning authority.

(Action: Head of Planning and Development)

3. Application for Planning Permission (11/00816/DPP) by Nivensknowe Park Ltd c/o Montgomery Forgan Associates, Eden Park House, Eden Park, Cupar, Fife for Amendments to Conditions 1 and 2 of Planning Permission 99/00409/FUL to Allow Siting of 137 Mobile Homes; Alterations to Site Layout; and Erection of Office Building at Nivensknowe Caravan Park, Loanhead.

With reference to paragraph 8 of the Appendix to the Minutes of 14 December 2000, there was submitted report, dated 6 March 2012, by the Head of Planning and Development concerning the above application.

Having heard from the Development Management Manager, who responded to Members questions, the Committee agreed that planning permission be granted for the following reason:

Subject to the deletion of the units required by condition, and the proposed landscape improvements being carried out, the revised layout will provide an acceptable standard of amenity for residents of the park, and will protect existing trees and hedges and therefore the landscape setting of the caravan park shall be retained.

subject to the following conditions:

1. Notwithstanding the details on the site plan reference 5022/C/01 revision B, the following units shall not be approved:
 - a. The five units proposed within the area of open space south of Birch crescent;
 - b. The single unit proposed east of 22 Birch Crescent; and
 - c. The single unit immediately north of 1 Oak Avenue.
 All as is outlined in purple on the approved site plan.
2. Prior to the commencement of development the applicant shall submit for the approval of the planning authority a revised site layout plan to a scale not less than 1:500 of the caravan site taking into account the deletion of the 7 units required by condition 1 above, and with a total of no more than 130 units, and showing all recreational and amenity landscaped areas, car parking spaces, pedestrian and vehicular routes and any ancillary buildings or hard surfaces. Development shall thereafter be carried out in accordance with the plans approved in writing by the local planning authority.
3. There shall at no time be any more than 130 residential caravans or mobile home units within the application site, and the layout of these units shall respect the layout on the approved site layout plan taking into account those units amended by condition 1.
4. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and 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 in communal areas and open space, including trees, 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 caravan/mobile home on adjoining plots are occupied.
- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing; and
- ix proposed footpaths and cycle paths.

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.

(Action: Head of Planning and Development)

4. Application for Planning Permission (12/00066/DPP) by Mr R Farren, 5 Minstrel Court, Roslin for Change of Use from Public Open Space to Private Garden Ground and Erection of Fence at Land to Rear of 4, 5 And 6 Minstrel Court, Roslin.

There was submitted report, dated 6 March 2012, by the Head of Planning and Development concerning the above application.

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

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

subject to the following conditions:

1. Prior to the commencement of the use hereby permitted, details of the proposed boundary treatments of the application site, including a drawing showing the location, external appearance and finish, should be submitted to and approved in writing by the Planning Authority.

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

(Action: Head of Planning and Development)

5. Application for Planning Permission (12/00060/DPP) by Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith for the Formation of an Access Road, Bridge and Associated Infrastructure at the Former Millerhill Marshalling Yards, Millerhill, Dalkeith.

With reference to paragraph 1 of the Appendix to the Minutes of 13 December 2011, there was submitted report, dated 6 March 2012, by the Head of Planning and Development concerning the above application.

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

The proposed development will not detract from the amenity of the area, including the landscape character of the area and the amenity of neighbouring properties and as such it complies with Midlothian Local Plan Policies RP7, RP20 and TRAN2. The presumption for development is not outweighed by any other material considerations.

subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.
2. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and 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, including trees, shrubs, hedging and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding 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 within six months of the facility being operational; and
- vii 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 (vi). Thereafter any tree or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting by trees/shrubs of a similar species to those originally required.

- 3. Details drawings and a written specification of the proposed road junction and access road shall be submitted for prior written approval of the Planning Authority. 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.
- 4. Details of the form, appearance, materials and finishes of lighting erected/installed on the bridge and on the road approaches to the bridge; shall be approved in advance by the Planning Authority.

(Action: Head of Planning and Development)

6. Application for Planning Permission (11/00579/DPP) by Santiago Holdings, Skanco Court, Cooil Road, Braddon, Douglas, Isle of Man for Erection of Dwellinghouse at Land to South of Netherton Cottage, Springfield Road, Penicuik.

There was submitted report, dated 6 March 2012, by the Head of Planning and Development concerning the above application.

Having heard from the Development Management Manager, who responded to Members questions, the Committee agreed that planning permission be granted for the following reason:

The proposed development incorporates the environmental enhancements that are required by the supplementary planning guidance for policy HOUS5, and the design and setting of the new house and its access comply with the requirements of the policy and will respect the rural setting of the site, thereby protecting and enhancing the landscape character and biodiversity interest of the area.

Subject to

- (a) the prior signing a legal agreement to secure:
 - adherence to an implementation schedule for woodland planting and nature conservation assets, so that these are provided for in advance of, or at the same time as, development of the house and garage;

- long-term maintenance and management of the woodland and nature conservation assets and any associated public access; and
- the new house provided remains associated with the adjoining land on which these integral elements have been provided; and

(b) the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.
2. Development shall not begin until details of the scheme of hard and soft landscaping works with regard to the curtilage of the dwellinghouse have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and 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 tree planting;
 - 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 within six months of the house being 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);
 - vii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - viii details of existing and proposed services; water, gas, electric and telephone.

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.

3. No trees on the application site, other than those listed for removal in the Landscape and Biodiversity Enhancement Proposals, shall be lopped, topped or felled without the prior written approval of the planning authority.
4. The Landscape and Biodiversity Enhancement Proposals shall be fully implemented within nine months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required for the first 5 years from the completion of the enhancement proposals, to ensure their establishment.
5. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.
6. Development shall not begin until details of the site access 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 the site access in relation to a fixed datum;
 - ii proposed vehicular and pedestrian access; and
 - iii proposed visibility splays, traffic calming measures, lighting and signage.

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.

7. The buildings hereby permitted shall be served by zero and/or low carbon equipment to achieve a reduction of 15% carbon dioxide emission below the 2007 building regulations carbon dioxide emissions standard, in accordance with Policy NRG3 of the adopted Midlothian Local Plan, unless otherwise agreed in writing by the Planning Authority following submission of appropriate SAP/SBEM calculations and a written justification of any alternative approach taken. The zero and/or low carbon equipment installed shall accord with the information submitted as part of the application unless otherwise approved in writing by the Planning Authority. The low and zero carbon equipment and/or other measures approved in terms of this condition shall be implemented at the site in full and an appropriate person approved by the Scottish Government's Building Standards Division regarding Design (Energy) shall certify that the zero and/or low carbon equipment and/ other measures approved in terms of this condition have been installed, prior to the house being occupied.

8. Notwithstanding the details on the submitted site plan, 11/020/SK3-03, the boundary of the private curtilage of the dwellinghouse, as defined on the plan by a post and wire fence, is not hereby approved, and a revised plan shall be agreed and submitted to and approved in writing by the planning authority prior to any works commencing on site.
9. The dwellinghouse shall be connected to the foul main sewer unless it can be clearly demonstrated to be impracticable and in that case detailed drawings and specification of a private sewage treatment plant and an associated soak-away or reed bed system shall be submitted to the planning authority for its written approval, in consultation with its statutory consultees.
10. Prior to the occupation of the dwellinghouse, it shall be connected to the mains water supply, and shall at no time be dependent upon a private water supply unless otherwise agreed in writing by the planning authority.
11. The garage building hereby approved shall at no time be permitted to incorporate living or recreational space that would be considered an extension to the dwellinghouse, and it shall be principally for storage of private vehicles, tools, equipment, plant and machinery and maintenance equipment or vehicles.

(Action: Head of Planning and Development)

7. Application for Planning Permission (11/00861/DPP) by Mr Mohammed Iqbal Choudry, 113 Maxwell Avenue, Glasgow for Use of Land for an Open Air Market on Saturdays and public holidays (Retrospective) at Land at Eskdail Court, White Hart Street And Komaron Court, Dalkeith.

With reference to paragraph 2 of the Appendix to the Minutes of 11 January 2011, there was submitted report, dated 6 March 2012, by the Head of Planning and Development concerning the above application.

Having heard from the Development Management Manager, who responded to Members questions, the Committee agreed that planning permission be granted for the following reason:

The development will not have a significant adverse impact on the character and amenity of the area and will contribute to the vitality of Dalkeith town centre. The application, therefore, complies with the terms of policies RP20 and SHOP8 of the Midlothian Local Plan.

Subject to the following conditions:

1. This permission is for a temporary period only, expiring on 18 January 2014.

2. Within one month of the date of this planning permission the applicant shall submit to and have approved in writing by the Planning Authority a list of the "public holiday" dates which the applicant wishes to operate for the period specified in terms of Condition 1
3. Unless otherwise approved in writing by the Planning Authority, the retail market hereby approved shall only operate on Saturdays and public holidays (as approved in terms of condition 2 above) and between the hours of 10.00am and 5.00pm.
4. Market operators and stallholders shall not enter the site nor commence the setting up of any stalls or unloading of any goods before 8.00am on the day of the market.
5. At the end of the market day all stalls, goods and refuse shall be cleared from the site by 6.30pm. The site shall be left in a clean and tidy condition.
6. No trader's or operator's vehicles or any other vehicle bringing items to or from the market shall be larger in size than a transit van. No such vehicle shall be parked on the site during the operating hours of the market approved in terms of condition 2.
7. Within one month of the date of this planning permission, a plan shall be submitted to the planning authority for written approval which identifies the vehicular access to the site for the traders and the layout of the stalls within the site. The traders shall adhere to this access and layout plan
8. The maximum number of stalls permitted on the site is 21. This number shall not be increased without the prior written approval of the planning authority.
9. When vehicles are being loaded or unloaded or are waiting to be loaded or unloaded their engines shall be switched off.
10. There shall be no playing of radios, tape recorders, CD players or amplified music involving loudspeakers or use of other sound reproduction equipment on site either when the market is in operation or during the setting up and taking down periods.
11. Loudspeakers shall only be used for safety announcements.
12. Any generators or refrigeration plant must be silenced to manufacturer's specifications and so situated and, if necessary, enclosed to provide maximum sound attenuation in relation to the neighbouring maisonettes and other premises.

13. The applicant shall submit to and have approved in writing by the Planning Authority:
 - (a) A waste management plan detailing the arrangements for the maintenance of the market and surrounding area free from litter and refuse; and
 - (b) Details of the proposed colours and materials to be used for the stall covers.
14. The stalls and any equipment associated with them shall be located so as to avoid damage to the existing trees on site.
15. No deep fat frying shall be undertaken at the market.

(Action: Head of Planning and Development)

8. Application for Planning Permission (10/00625/DPP) by Dalkeith Congregation Of Jehovah's Witnesses, 7 Edinburgh Road, Dalkeith for Formation of Disabled Access Ramp to the Kingdom Hall, 7 Edinburgh Road, Dalkeith.

There was submitted report, dated 6 March 2012, by the Head of Planning and Development concerning the above application.

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

The development will not have a significant impact on the character and amenity of the area and will have no adverse effect upon the character and appearance of the Dalkeith House and Park Conservation Area. The application, therefore, complies with the terms of policies RP20 and RP22 of the Midlothian Local Plan.

Subject to the following conditions

1. Prior to the ramp being brought into use a dropped kerb footway crossing shall be constructed where the proposed ramp meets North Wynd car Park
2. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.