

Notice of meeting and agenda



Planning Committee

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 19 April 2016

Time: 14:00

John Blair
Director, Resources

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Further Information:

This is a meeting which is open to members of the public.

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minutes of Previous Meeting

4.1 Minutes of Meeting held on 1 March 2016 - For Approval **3 - 12**

5 Public Reports

5.1 Development Plan Scheme for Midlothian Number 8 **13 - 28**

5.2 Midlothian Local Development Plan: Proposed Plan **29 - 30**

5.3 Planning Performance Report for 2015-16 **31 - 40**

5.4 Major Developments Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage **41 - 46**

5.5 Appeals and Local Review Body Decisions **47 - 52**

5.6 Pre-Application Regarding a Proposed Large Animal Research and Imaging Facility at Land 370m south east of Equine Hospital, Easter Bush Campus, Bush Farm Road, Roslin (16/00072/PAC) and at Land at Easter Bush South, Easter Bush, Roslin (16/00179/PAC) **53 - 56**

5.7 Pre-Application Report Regarding a Proposed Residential Development at Land north of Dalhousie Dairy, Bonnyrigg (16/00161/PAC & 16/00157/PAC) **57 - 60**

5.8 Application for Planning Permission (15/00083/DPP) for the Erection of 33 Dwellinghouses and 12 Flatted Dwellings; Formation of Access Roads and Car Parking and Associated Works on Part of Site C and D, Land at Hopefield Farm, Bonnyrigg **61 - 72**

6 Private Reports

No private business to be discussed at this meeting

Minute of Meeting



Planning Committee

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

Present:

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

1 Apologies

Apologies received from Councillors Bennett and Imrie

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

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

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

The Planning Manager advised that following the last Planning Committee meeting a number minor adjustments had been agreed in consultation with the Chair, in order to accommodate pre-development activities, however the period of the consent remained 7 years.

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

(Action: Head of Communities and Economy)

5 Reports

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

Executive Summary of Report

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

Summary of Discussion

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

Decision

To note the report.

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

Executive Summary of Report

There was submitted report, dated 23 February 2016 by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2016; and
- (b) To note the updates for each of the applications.

Action

Head of Communities and Economy

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

Executive Summary of Report

There was submitted report, dated 23 February 2016, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in January 2016, and advising that there were no appeals determined by Scottish Ministers to report.

Decision

To note the decisions made by the Local Review Body at its meeting on 19 January 2016.

Action

Head of Communities and Economy

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

Executive Summary of Report

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

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

Summary of Discussion

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

Decision

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

Action

Head of Communities and Economy

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

Executive Summary of Report

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

Summary of Discussion

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

Decision

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

1. The proposal does not provide sufficient safeguarding for the proposed A701 Relief Road and as such is contrary to the Edinburgh and South East Scotland Strategic Development Plan (SESplan) 2013 and proposed Midlothian Local Development Plan (MLDP). The A701 Relief Road is required to deliver the Spatial Strategy identified in SESplan, namely the A701 Corridor Strategic Development Area, and the major development strategy for the western part of Midlothian as set out in the Midlothian Local Development Plan (MLDP);
2. The failure to deliver the A701 Relief Road will undermine programmed and planned growth at the Midlothian Campus of the Edinburgh Science Triangle at the Bush Estate which has a significant national/international presence. Substantial committed and planned investment to expand the life, animal, agriculture and biosciences research, practice and development sectors at Easter Bush (as provided for in the existing and emerging statutory development plans), will be jeopardised if the proposed transportation connections are not improved as proposed in the proposed MLDP. This detrimental economic impact outweighs any potential economic advantages identified as part of the planning application;

3. The perceived economic benefits proposed by the applicants have not been substantiated and no substantive evidence of financial backing for the proposals has been demonstrated to the Council. Accordingly, the proposal does not constitute a sustainable economic development which can justify a significant departure from development plan policy;
4. The proposed development is considered to be premature in relation to the proposed A701 Relief Road identified in the MLDP which supports the A701 Strategic Development Area identified in SESplan. The proposed development does not identify sufficient or appropriate land to satisfy the Council that the route can be constructed through the application site. Consideration of this application in advance of the adoption of the MLDP would be so significant in relation to the Council's development strategy that it would undermine the development plan making process;
5. The proposed development is within the Green Belt, in a countryside location, where there is a presumption against inappropriate development. The proposed development is contrary to the following Midlothian Local Plan (2008) policies; RP1 Protection of the Countryside, RP2 Protection of the Green Belt, RP4 Prime Agricultural Land, RP5 Woodland, Trees and Hedges, RP6 Areas of Great Landscape Value (in relation to the Pentland Hills), RP7 Landscape Character, RP13 Species Protection, RP14 Habitat Protection outwith formally Designated Areas, RP16 Regional and Country Parks, RP21 Community Identity and Coalescence, RP24 Listed Buildings, ECON5 Industries with Potentially Damaging Impacts, ECON 6 Offices, ECON 7 Tourist Accommodation, DERL1 Treatment of Vacant or Derelict Land, DP1 Development in the Countryside and DP4 Pentland Hills Regional Park. This policy position is not outweighed by any material considerations presented as part of this application; and
6. A number of unresolved issues remain and as such the proposed development has a potential detrimental impact on nearby residential properties, other land users and on the local landscape and environment. The outstanding issues are in relation to:
 - a) Noise, in particular from the backlot areas;
 - b) External lighting and the additional impact this would have on the very large buildings and backlot areas on the site's landscape setting;
 - c) Insufficient survey work had been carried out in relation to protected species at the site; and
 - d) The submission of detailed plans showing the road layout on the site would have had some further impact on Cameron Wood and on Old Pentland Cemetery which is a listed building. Further investigation would have been requested on these matters had the appeal not been lodged.

Action
Head of Communities and Economy

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

Executive Summary of Report

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

Summary of Discussion

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

Decision

That planning permission be granted for the following reason:

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

subject to the following conditions:

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

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

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

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

3. Prior to the commencement of any works on site, full details of the finalised SUDS scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.

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

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

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

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

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

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

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

7. Development shall not begin until a scheme to deal with ground conditions and contamination of the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of the proposals to deal with ground conditions and any contamination and include:
- i. the submission of a scheme of intrusive site investigation;
 - ii. the submission of a report of findings arising from the intrusive site investigations, including identification of any required 'no-build-zones' for the mine entries;
 - iii. a detailed schedule of any remedial and/or protective measures including their programming;

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

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

Action

Head of Communities and Economy

The meeting terminated at 3.09pm.



DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN NUMBER 8

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report seeks approval for the Development Plan Scheme for Midlothian No. 8 (DPSM 8) which is required to be published annually to satisfy legislative requirements.

2 BACKGROUND

- 2.1 Preparation of a development plan scheme is a statutory requirement. It is a document setting out the planning authority's intentions with respect to preparing, reviewing and consulting on the Strategic Development Plan (SDP) and the Local Development Plan (LDP) for its area.
- 2.2 A development plan scheme is required to contain:
- a) the development plan programme including:
 - the proposed timetable; and
 - details of what is likely to be involved at each stage of preparation or review;
 - b) the participation statement including:
 - an account of when consultation is likely to take place and with whom;
 - its likely form; and
 - the steps to be taken to involve the public at each stage.
- 2.3 After adopting a development plan scheme, the authority is required to publish it (including electronically), place it on deposit in public libraries and send it to Scottish Ministers (though not for approval). Consultation on the Scheme is not required.
- 2.4 The proposed DPSM 8 is attached as Appendix 1. The Midlothian Local Development Plan Proposed Plan (MLDP) was published as scheduled in Spring 2015. The timetable assumes that the MLDP proceeds to examination without any further consultation. It is expected that the MLDP can be adopted by early 2017. This represents a slippage compared to the timetable set out in the previous DPSM 7,

and was principally caused by the time needed to review and summarise representations adequately.

- 2.5 DPSM 8 also sets out a timetable for the new replacement strategic development plan (SDP2) and the replacement Midlothian Local Development Plan (MLDP2). SESplan's programme, contained in its DPS7, would see SDP2 approved by Summer 2018. The Main Issues Report (MIR) for the SDP was consulted on as expected in Summer 2015, and work has commenced on the Proposed Plan stage of SDP2. As before, preparation of LDPs will follow closely behind, but any delay with SDP2 will affect MLDP2. Scottish Government guidance is that LDPs should be replaced every five years, and should be adopted within two years of SDP approval. This requires an adoption date of late 2020 for MLDP2, if SDP2 is approved according to schedule.

3 REPORT IMPLICATIONS

- 3.1 There is a statutory requirement that the DPSM be updated at least annually. Failure to meet this deadline could lead to legal challenge or Scottish Government intervention. The DPSM8 will be the last development plan scheme to be published before the Examination into Midlothian's Local Development Plan. Failure to adhere to the participation statement could lead to substantial delays in the plan-making process as a 'Statement of Conformity with the Participation Statement' will be tested by the Department of Planning and Environmental Appeals Reporters prior to the start of the MLDP Examination. DPSM8 is critical to this process.
- 3.2 Consultation on the development plan scheme itself is not required under the terms of the legislation, its purpose being to set out the Council's intentions with regard to consultation and engagement on its development plans. The DPSM 8 includes a Participation Statement which forms the basis for communication activities for the remaining phases to plan adoption. As the deposit period for making representations to the Proposed MLDP has closed there is no further opportunity for stakeholder involvement unless the Council resolves to modify the plan before it is submitted to Scottish Ministers. In preparing Midlothian's Development Plan Scheme, account has been taken of the Council's corporate guidance on consultation and the National Standards for Community Engagement. As in previous schemes, a customer feedback questionnaire will be issued, to seek views on how the Council engages with the public on its new development plans.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee:
- (a) approves the Development Plan Scheme for Midlothian No.8 (DPSM 8) (appended to this report); and
 - (b) agrees to publish the DPSM 8 and submit it to Scottish Ministers.

Ian Johnson
Head of Communities and Economy

Date: 12 April 2016
Contact Person: Colin Davidson, Planning Officer
colin.davidson2@midlothian.gov.uk
Tel No: 0131 271 3470

Background Papers: Appendix 1 - pre-publication draft of Development
Plan Scheme for Midlothian No. 8.

Development Plan Scheme for Midlothian No.8

Published in accordance with the terms of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006), the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and Circular 6/2013
Development Planning

March 2016

Introduction

Midlothian Council is required to prepare a development plan scheme at least annually, comprising:

- the preparation programme for strategic and local development plans affecting Midlothian, including their proposed timetables and details of what is likely to be involved at each stage of preparation or review;

and

- a 'participation statement', including an account of when consultation is likely to take place; who can expect to be involved; the likely form of that consultation; and the steps to be taken to involve the public at each stage.

The previous Development Plan Scheme for Midlothian No.7 (DPSM 7) was published in March 2015. This updated Development Plan Scheme for Midlothian (DPSM 8) considers the timetable for the remaining stages of the work to prepare the Midlothian Local Development Plan, and the programme for the next round of strategic and local development plans. During the plan-making process, regular progress updates have appeared on the Council's website www.midlothian.gov.uk, where the development planning portal provides access to the latest documents, and representations.

The Statutory Development Plan for Midlothian

Strategic development plans (SDPs) are produced by strategic development planning authorities covering Scotland's four largest city regions, and local development plans (LDPs) are prepared by the local planning authorities.

The statutory 'Development Plan' for Midlothian currently comprises the **Strategic Development Plan for South East Scotland** (approved with modifications by Scottish Ministers on 27 June 2013) and the **Midlothian Local Plan** (adopted in December 2008). The **Midlothian Local Development Plan**, when adopted by Midlothian Council, will replace the Midlothian Local Plan 2008. Both SDPs and LDPs are to be accompanied by an Action Programme to ensure that the necessary infrastructure is in place to deliver the policies and proposals contained in the Development Plan. The 'key agencies' which help to provide the necessary infrastructure are active partners in plan preparation.

The planning legislation requires LDPs to be prepared as soon as practicable. They must be consistent with the SDP for the wider area and the **speed of LDP preparation is therefore controlled to some extent by progress on an SDP**. LDPs are expected to be adopted within two years of SDP approval.

When and how are the strategic and local development plans being prepared?

The preparation of a development plan involves a number of key stages as follows:

1. publication of a '**main issues report**' setting out the key land use issues for the area, a preferred development strategy, and 'reasonable alternatives' to this, for the purposes of consultation;
2. publication of a '**proposed plan**' presenting a council's settled position as regards its development strategy, followed by an opportunity for formal representations (both in support and against the plan);
3. submission of the proposed plan (whether modified or not, in response to representations) to Scottish Ministers for approval (in the case of an SDP) or prior to adoption by a council (in the case of an LDP) - either of which are likely to be followed by an examination of the plan by persons appointed by Scottish Ministers for this purpose.

Approval of the first SDP and progress on SDP2 for South East Scotland

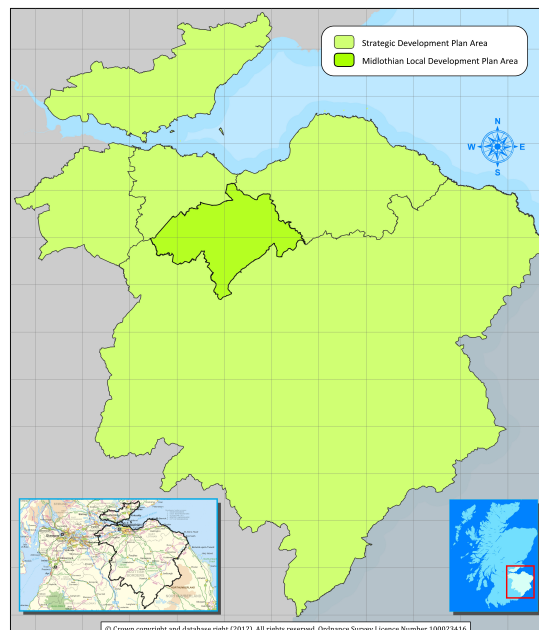
The SDP for the Edinburgh and South East Scotland area is prepared by SESplan, the Strategic Development Planning Authority of which Midlothian Council is a member. The SESplan area encompasses City of Edinburgh, East Lothian, Midlothian, West Lothian, Scottish Borders and the southern part of Fife.

SESplan has completed its first SDP. In approving the SDP, Scottish Ministers required Supplementary Guidance to be

prepared with respect to the scale and location of housing land to be provided within each LDP area: this guidance was adopted by late 2014.

Work has now commenced on the second SDP. The Main Issues Report for SDP2 was published in July 2015, and was available for consultation until September 2015. The SESplan Development Plan Scheme anticipates adoption of SDP2 in 2018. Progress on the SDP can be followed on the SESplan website www.sesplan.gov.uk The diagrams in the following section illustrates the parallel processes of SDP and LDP production and the relationship between them.

Fig 1: Strategic and Local Development Plan Boundaries



Progress on the Midlothian Local Development Plan (MLDP)

The Proposed Plan was approved by Midlothian Council at its meeting on 16th December 2014, subject to modifications. The Proposed Plan was placed on deposit between 14th May and 26th June 2015. Adoption is expected in Spring 2017. This DPSM 8 updates the Participation Statement, although now that the deposit period has closed there is no further opportunity to get involved in the first LDP,

unless the Council resolves to modify the plan before it is submitted to Scottish ministers.

The current programme and timetable for the SDP (which reflects the commencement of work on SDP2) and the MLDP is set out in the following diagrams.

Recent participation activity:

Deposit Period 14 May to 26 June 2015

Purpose: provide an opportunity for persons to lodge formal objections to the Midlothian Local Development Plan Proposed Plan.

Figure 2 – Programme for Strategic Development Plan 1 and Midlothian Local Development Plan 1

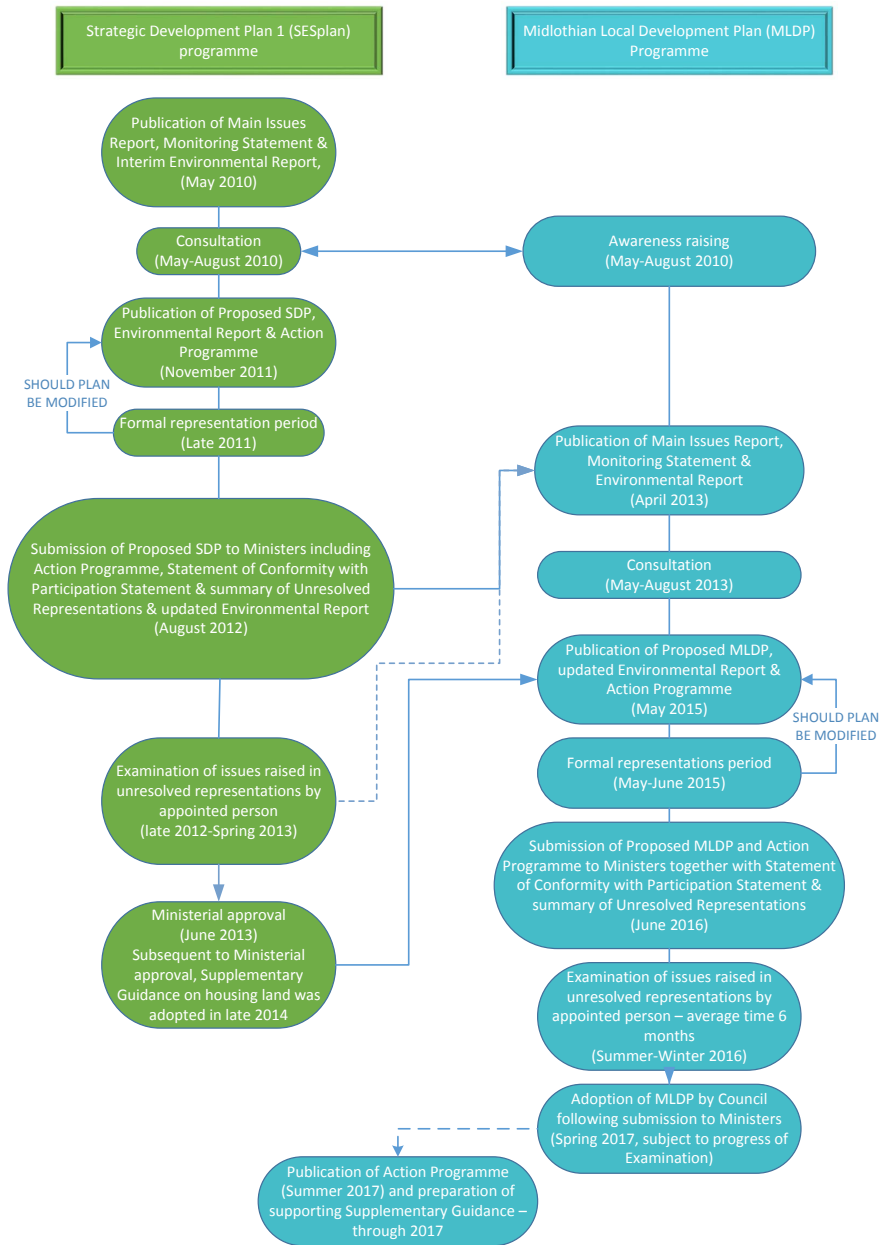
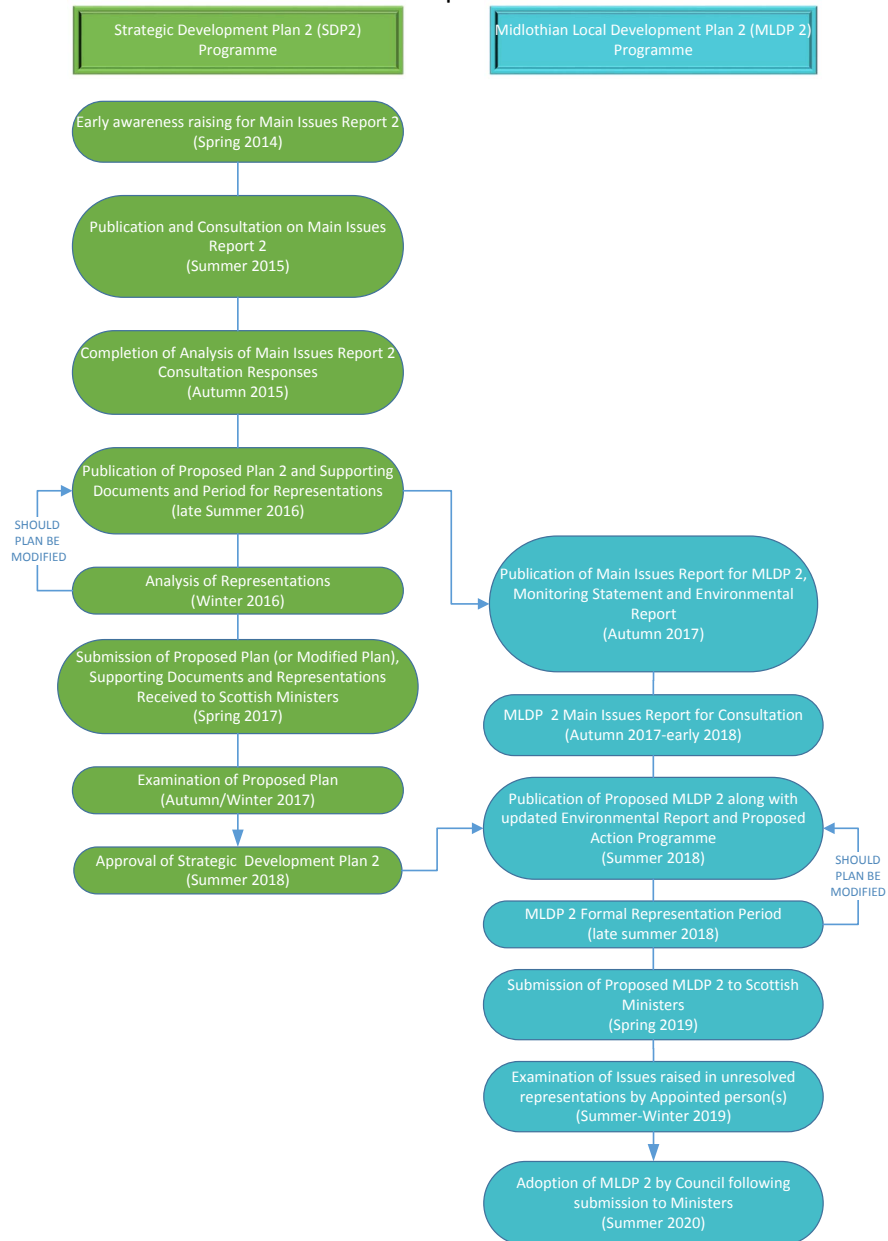


Figure 3 – Programme for Strategic Development Plan 2 and Midlothian Local Development Plan 2



Participation Statement

Key stages for getting involved in the preparation of the Midlothian Local Development Plan:

Spring 2016: Submission of Proposed MLDP to Scottish Ministers

- **Purpose:** To submit the Proposed Plan and Proposed Action Programme to Scottish Ministers, together with a Statement of Conformity with the Participation Statement current at that time (which is likely to be the Participation Statement in this DPS, No. 8, if submission is not before 31.03.16, or DPS7 if before that date), a Summary of Unresolved Representations (where these have been submitted to the Council and have not been resolved through negotiation), and the account taken of these in preparing the MLDP for adoption.
- Any representations that cannot be resolved through negotiation and are not withdrawn will be dealt with by independent Reporters from the Directorate for Planning and Environmental Appeals (DPEA). The management of this phase of the process is determined by the DPEA who may decide to consider representations by written submission, hearing, or examination in public.
- Following receipt of the Reporters' findings, the Council will prepare the MLDP for submission to Scottish

Ministers (who have 28 days to intervene before the Council can proceed to adopt the Plan).

- This is followed by a period during which a legal challenge to the Plan can be mounted, if the Council has failed to follow the statutory plan-making procedures.
- The Council's website will include information on the progress of the Plan towards adoption.

Spring 2017: The Council expects to adopt the MLDP

- Depending on the timing of the Examination and the time taken for the Report of the Examination to be received by the Council, the adoption of the MLDP is expected in Spring 2017; the exact timing is dependent upon the complexity of the Examination and the matters arising in the unresolved issues to be considered by the Reporters.
- Adoption will be widely announced, including through the local press, adverts, the Council's website and notification directly to Community Councils and those who have made representations on the Proposed Plan.
- The programme set out above reflects current thinking but the timing and content of planned stages are provisional. If the Plan requires to be modified as a result of representations made, timescales will have to be amended accordingly. The ongoing

review of the Development Plan Scheme will monitor and report on progress.

- The Proposed MLDP requires the Council to prepare Supplementary Guidance (SG) for the plan. Once the Reporters' findings are known, the Council will be in a position to prepare SG for consultation, with a view to approving it as soon as possible after the the adoption of the LDP.

The next local development plan - MLDP2

- Within the period covered by this DPS, the Council may commence work on the next local development plan for Midlothian, MLDP2. This DPS is accompanied by a questionnaire which seeks views on how we may best engage with interested parties on the next MLDP. The timetable for MLDP2 is dependent on progress with SDP2.

Keeping you informed/getting involved

Registering an interest:

The Council maintains a list of interested people, groups and organisations who will be notified of important stages and events in the preparation of its development plans. Your name can be added to the list by registering online or contacting the Planning Policy & Environment team (details given at the end of this document). You can also register with SESplan to receive updates on progress with the Strategic Development Plan. The relevant websites are www.midlothian.gov.uk and www.sesplan.gov.uk respectively.

Making representations online:

In addition, the preparation of the Midlothian's Local Development Plans is assisted by an online development plan facility. If you have a representation to make as regards the content of a future development plan consultation, you will be able to register and comment online.

Publicising key stages and events:

Interested people, groups and organisations are alerted at key stages during the process through a range of media such as advertisements, press and web articles to publicise progress and provide information about opportunities for engagement. The intention is that this should be genuine engagement, more than just maintaining a flow of information. Consultees are encouraged, through the questionnaire accompanying each DPSM, to give us feedback on what we could do to improve the consultation process.

Encouraging involvement:

The Council will try to identify different groups of consultees and tailor the consultation programme to encourage as wide-ranging engagement as possible. The Council will use community 'drop-in' sessions to seek the views of those who live and work in Midlothian. The online development plan facility is intended to assist those, in particular, who cannot attend public events to provide their views and get involved in the consultation.

Involving 'key agencies' and other interested bodies:

The planning system requires that 'key agencies' are involved in the preparation of development plans. Both through SESplan and directly, the Council is undertaking regular liaison and information sharing with these agencies who comprise: Scottish Water, the Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), NHS Lothian, SEStran (the Regional Transport Partnership), Scottish Enterprise, Historic Scotland and Transport Scotland. Consultation has been on-going with the above key agencies, as it has with the other SESplan Member Councils.

Some of these agencies are core partners through the Midlothian Community Planning Partnership, established to enable the partner organisations to work together to plan and deliver services more effectively. Other community planning partners, such as the Police and Fire Services and Midlothian and East Lothian Chamber of Commerce, have been engaged through the plan preparation process.

Other bodies, including the Forestry Commission Scotland, Architecture+Design Scotland, the Borders Railway Partnership, the South East Scotland Housing Forum and the South East of Scotland Economic Community, are also regarded as key consultees.

Seeking views of interested parties:

The Council sought the views and professional advice of a wide range of bodies on MLDP1, and will do so again for the next Local Development Plan. There are a wide range of voluntary bodies and community groups who have an active interest in the future direction of growth in Midlothian. Representing the interests of local communities in the widest sense and seeking to ensure quality of place and quality of life in Midlothian, these groups can provide a valuable counterbalance to development interests to improve the outcomes of the Plan. At relevant stages of plan-making, views are invited from as wide a representation of such interests as possible, including Community Councils, Community Development Trusts and village associations, as well as the neighbourhood planning groups established across the main communities of Midlothian, and the general

public. The completed Neighbourhood plans can help to identify the issues for their relevant settlements.

Equality matters:

The Council has considered its duties under the Equality Act 2010. Where possible, representatives from the target equality groups were identified for inclusion in the public engagement. The Council sought to utilise accessible buildings for public events. A separate Equalities and Human Rights Impact Assessment was published alongside the Proposed Plan. The Council will seek to continue this approach in MLDP2.

Feedback:

The Council would welcome comments on the best ways to get the public more involved in the plan-making process in future and a feedback questionnaire is provided with this Development Plan Scheme for this purpose.

If you want to be involved in the MLDP process (or discuss SDP matters particularly relevant to Midlothian), you can contact the Planning team at Midlothian Council:

by phoning: 0131 271 3470 (during normal office hours)

by e-mail at: ldplan@midlothian.gov.uk

by letter to: Development Plans
Planning
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith

EH22 3ZN

If you want to find out more about the SDP process across the SESplan area, you can contact the SESplan team:

by phoning: 01506 282 883 (during normal office hours; voicemail at weekends)

by e-mail at: contactus@sesplan.gov.uk

by letter to: SDP Team
SESplan
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF



MIDLOTHIAN LOCAL DEVELOPMENT PLAN: PROPOSED PLAN

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report provides an update on the current stage reached in the preparation of the Midlothian Local Development Plan, and advises on the remaining stages to the point of final adoption by the Council. It amplifies the content of the Development Plan Scheme for Midlothian No. 8, which is reported elsewhere on this agenda.

2 BACKGROUND

- 2.1 All local planning authorities in Scotland are required by legislation to prepare local development plans for their respective areas. In Midlothian the emerging Midlothian Local Development Plan (MLDP) will, on adoption, supersede the current Midlothian Local Plan (2008). Members may recall that the Main Issues Report of the MLDP was published for public consultation in 2013 and, following consideration of responses received, the Council published the MLDP Proposed Plan in 2015, with a notification period for the receipt of representations ending on 26 June 2015.
- 2.2 A report advising on the scale and nature of the representations received was considered by Committee in November 2015, with two workshops and a drop-in session for Members provided in February this year.

3 NEXT STAGES

- 3.1 The Council is now required to submit its MLDP Proposed Plan to Scottish Ministers. In doing so it will have had to consider all of the representations received following publication of the Proposed Plan, and to have made any modifications to the Proposed Plan. Along with the Proposed Plan the Council is required to send to Scottish Ministers copies of all unresolved objections to the Proposed Plan together with the Council's written response, these being known as 'Schedule 4' documents. The Scottish Government's Department of Planning and Environmental Appeals will then appoint a Reporter to conduct an Examination in Public into the unresolved objections to the Plan.

- 3.2 Where a local planning authority decides to modify its Proposed Plan there is a requirement for it to be republished for a further period for receipt of any further representations. As this can add considerable delay to the preparation of the Plan it is normal practice for Councils only to make such modifications where they are significant in nature to the extent that a further round of notification is considered appropriate. Where a planning authority is intending to make relatively minor modifications to the Proposed Plan it will normally indicate this in its Schedule 4 submissions so that the Reporter can have the opportunity to make such changes in his/her report of the Examination.
- 3.3 As work on the preparation of the draft Schedule 4 documents is at an advanced stage it is intended to submit a report to the next meeting of the Council on 17 May 2016. That report will seek formal decisions on any modifications to be made to the Proposed Plan, the final content of the Proposed Plan for submission to Scottish Ministers, and the formal position of the Council in response to the representations/ objections received to the Proposed Plan. If all these matters are agreed then the formal submissions would be made, with the Examination into the Plan being scheduled for later this year.
- 3.4 If, in advance of the submission of report to Council, Members wish to have any further briefings on this matter these can be arranged by the Planning service.

4 RECOMMENDATION

- 4.1 The Committee is recommended to note the content of this report.

Ian Johnson
Head of Communities and Economy

Date: 12 April 2016
Contact Person: Ian Johnson
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Background Papers: None



PLANNING PERFORMANCE REPORT

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Committee on planning application, planning appeals and reviews, enforcement and planning customer service performance against key outcome indicators for the period 2015/16.

2 BACKGROUND

- 2.1 The Planning Service is a key regulatory Council function delivering an effective customer focussed planning service, responsible for the assessment and processing of planning applications including the provision of pre application and post application information and advice to applicants, developers and other interested parties, the handling of planning reviews and appeals, the enforcement of planning legislation, the preparation of strategic and local development plans, planning policy and guidance; together with the development and implementation of policy and practice in respect of the conservation of natural and heritage resources, biodiversity, environmental sustainability and climate change.
- 2.2 The primary performance measure is the speed with which applications are determined. To monitor this, the Scottish Government has established statutory performance indicators, the terms of which are set out in section 3 of this report.
- 2.3 At its meeting of 11 May 2010 the Planning Committee instructed that it be provided with regular updates with regard to planning application performance. From February 2015 the Development Management and Planning Policy and Environment teams have been conjoined into a single Planning team.

3 DETERMINATION OF PLANNING APPLICATIONS

- 3.1 Table A, '*Planning Performance in the Handling of Planning Applications for the Period 01/04/15 to 31/03/16*' shows Planning performance with regards the processing of planning applications. While it is acknowledged that quality and speed in decision-making are not necessarily synonymous, speed is one measure of efficiency.
- 3.2 The Statutory Performance Indicators (SPI's) for the determination of planning applications are set by the Town and Country Planning (Scotland) Act 1997 (as amended by the 2006 Act). The target is for local planning

authorities to determine 90% of householder applications within 2 months, 80% of other local applications within 2 months and 80% of major applications within 4 months. Overall, the target is to determine 80% of applications within target.

3.3 Overall performance (how many applications have been determined within target) continues to be maintained at a high level. In 2015/16 78% of planning applications have been determined within target. This compares to 84% in 2014/15, 84% in 2013/14, 73% in 2012/13, 70% in 2011/12, 65% in 2010/11 and 55% in 2009/10.

3.4 A comparison between Midlothian’s performance and the Scottish average for 2012/13, 2013/14 and 2014/15 are shown in the following table:

	Midlothian	Scottish Average	Midlothian	Scottish Average	Midlothian	Scottish Average
	2012/13	2012/13	2013/14	2013/14	2014/15	2014/15
Householder Applications determined within target	90%	86%	94%	86%	92%	86%
All Applications determined within target	73%	69%	84%	73%	87%	72%
Approval Rates	90%	93%	94%	94%	95%	94%

The table shows that Midlothian’s performance is above the Scottish average. The data for 2015/16 has not yet been collated and published by the Scottish Government.

3.5 Changes to the way planning performance is being measured came into effect in 2012/13. The introduction of a new Planning Performance Framework (PPF) provides a “balanced scorecard” approach to performance with the objective of giving a more rounded view of overall service quality. Performance measures will be both qualitative and quantitative. The qualitative assessment comprises a statement with regard the quality of development, customer service and efficient and effective decision making; and the quantitative assessment measures the average planning application determination times (rather than the percentage of applications determined within a set target time).

3.6 Planning performance with regards the processing of planning applications is also measured by the average time (weeks) to deal with major and local planning applications. Table B, *‘Planning Performance in the Handling of Planning Applications for the Period 2012/13, 2013/14 and 2014/15: The Average Time (weeks) to deal with Major and Local Planning Applications.’* shows Planning performance with regards the processing of planning applications using this new measure.

Table A**Planning Performance in the Handling of Planning Applications for the Period 01/04/15 to 31/03/16**

Performance Indicator	April – June 2015 Q1 2015/16	July – Sept 2015 Q2 2015/16	Oct – Dec 2015 Q3 2015/16	Jan – March 2016 Q4 2015/16	Total for year 2015/16	Total for year 2014/15
% of all local applications determined < 2 months	84% (136 from 162)	80% (150 from 188)	82% (126 from 153)	82% (136 from 165)	82% (548 from 668)	86% (532 from 616)
% of householder applications determined < 2 months	95% (62 from 65)	92% (66 from 72)	88% (51 from 58)	93% (64 from 69)	92% (243 from 264)	93% (236 from 254)
% of other local applications determined < 2 months	72% (59 from 82)	66% (61 from 93)	73% (55 from 75)	71% (55 from 78)	70% (230 from 328)	78% (215 from 274)
% of major applications determined < 4 months ¹	N/a	0% (0 from 2)	0% (0 from 5)	0% (0 from 6)	0% (0 from 13)	11% (1 from 9)
% of non planning applications determined < 2 months ²	100% (15 from 15)	100% (23 from 23)	100% (20 from 20)	94% (17 from 18)	99% (75 from 76)	92% (81 from 88)
Number of Pre Application Consultation applications	1	1	2	4	8	12
Number of recorded pre-application enquiries ³	71	53	43	56	223	229
Number of applications received ⁴	279	232	219	238	968	993

The figures in (*brackets*) are the actual numbers of applications.

¹ A major application can only be submitted after the completion of a Pre Application Consultation (PAC) process.

² Non planning applications comprise; works to trees applications, high hedges applications and prior notification applications.

³ Since June 2010 formal requests for pre application advice have been recorded in the back office database (see paragraphs 6.1 and 6.2 below)

⁴ Figures include planning applications, listed building consents, advert consents, applications under the prior notification procedures, certificates for lawful development, works to trees applications, high hedges applications and formal pre application enquiries.

Table B

Planning Performance in the Handling of Planning Applications for the Period 2012/13, 2013/14 and 2014/15:

The Average Time (weeks) to deal with Major and Local Planning Applications.

Performance Indicator	Midlothian Total for 2012/13	Scottish Average 2012/13	Midlothian Total for 2013/14	Scottish Average 2013/14	Midlothian Total for 2014/15	Scottish Average 2014/15
Local applications (non householder). Average weeks for those applications determined within 2 months.	6.8	7.0	6.8	7.0	6.8	6.9
Local applications (non householder). Average weeks for those applications determined over 2 months.*	26.3	23.4	33.7	25.6	27.0	21.6
Local applications (non householder) overall average	15.8	14.5	13.9	14.3	11.0	12.9
Householder applications. Average weeks for those applications determined within 2 months.	6.7	6.5	6.6	6.6	6.2	6.5
Householder applications. Average weeks for those applications determined over 2 months.	14.0	17.1	11.3	14.2	11.5	13.6
Householder applications overall average	7.5	8.0	6.9	7.7	6.7	7.5
Major applications. Average weeks for all major applications.*	31.8	36.7	60.5	53.8	77.4**	46.4

* The determination time of applications also includes the time periods to negotiate developer contributions and conclude Section 75 legal agreements.

**This figure includes the time taken to conclude the legal agreement and issue the Shawfair planning permission (4,000 houses, schools, town centre and employment opportunities). If this application was excluded from the measure the average time to deal with a major application would drop to 20.8 weeks, significantly below the Scottish Average.

The data for 2015/16 average time (weeks) to deal with major and local planning applications has not yet been collated and published by the Scottish Government.

3.7 Table A shows that in 2015/16 968 applications were received, this is compared to 993 in 2014/15, 883 in 2013/14, 716 in 2012/13 and 619 in 2011/12. This represents an increase in application numbers of over 56% in a four year period. This significant increase in application numbers reflects the increasing construction and development activity taking place in Midlothian.

4 Planning Appeals and Reviews

4.1 For the period April 2015 – March 2016 the Scottish Government Directorate for Planning and Environmental Appeals determined six appeals in Midlothian. The appeal decisions were as follows:

- An appeal against a refusal to grant listed building consent (14/00801/LBC) for the installation of solar panels to roof (retrospective) at Cockpen School House, Cockpen Road, Bonnyrigg has been dismissed. The application was refused on the grounds that the development would not preserve the character of the listed building, its setting or any features of special architectural or historical interest as set out in national and local planning policy
- An appeal against the issuing of an enforcement notice to secure the removal of two dormer windows which have been erected without the benefit of planning permission at 15 Dundas Street, Bonnyrigg has been dismissed. A planning application for the development was refused on the grounds that the development would not preserve the character of the listed building, its setting or any features of special architectural or historical interest as set out in national and local planning policy. This decision was also supported by the LRB.
- An appeal against a refusal to grant planning permission (15/00029/DPP) for the erection of 13 flatted dwellings and 5 dwellinghouses, formation of car parking and access road and associated works on land at the junction of Bryans Road and Morris Road, Newtongrange has been dismissed. The Scottish Government Reporter dismissed the appeal on the adequacy of car parking provision.
- An appeal against a refusal to grant planning permission (14/00044/DPP) for the erection of 9 wind turbines and associated infrastructure on land at Mount Lothian Moss, Penicuik has been dismissed. The application was refused on landscape and visual amenity grounds. The Scottish Government Reporter dismissed the appeal on both these grounds.
- An appeal against a refusal to grant planning permission (15/00365/DPP) for the erection of wind turbines and associated infrastructure on land at Springfield Farm, Penicuik has been upheld. The application was refused on landscape and visual amenity grounds. The Scottish Government Reporter upheld the appeal after considering the proposed development will not be significantly detrimental to the landscape.
- An appeal against non determination of a planning permission in principle application (14/00420/PPP) for residential development and associated infrastructure on land north and south of Lasswade Road, Eskbank has been upheld. The application was not determined by the Council because of the status of the proposed Midlothian Local Development Plan (MLDP), the application being considered to be

premature. The Scottish Government Reporter upheld the appeal after considering the proposed development accords with the provisions of the development plan on the basis that Midlothian Council does not have an effect five year land supply.

- 4.2 Changes in the planning system introduced by the Scottish Government in 2009 required each local planning authority to establish a local review body (LRB) to review planning decisions made under delegated powers. In the period April 2015 – March 2016 a total of 16 cases were determined, details of which are attached at Appendix A. Prior to the changes introduced by the new planning act all of these ‘appeals’ would have been determined by Scottish Ministers.
- 4.3 In 2015/16 there was six appeal decisions and 16 reviews determined. This compares to 4 appeal decisions and 16 reviews determined in 2014/15, 2 appeal decisions and 16 reviews determined in 2013/14, 7 appeal decisions and 18 reviews determined in 2012/13, 5 appeal decisions and 22 reviews determined in 2011/12, 1 appeal decision and 14 reviews determined in 2010/11 and 15 appeal decisions and 1 review determined in 2010/11; indicating the expected shift of planning appeal decisions from national to local level.

5 Planning Enforcement

- 5.1 In addition to the determination of planning applications and appeals, the Planning service is responsible for the enforcement of planning legislation. The Council has an adopted Enforcement Charter which outlines the Council’s approach to investigating and resolving alleged breaches of planning control. The table below outlines the number of formal notices issued and the number of cases which have been/are subject to investigation.

Performance Indicator	April – June 2015 Q1 2015/16	July – Sept 2015 Q2 2015/16	Oct – Dec 2015 Q3 2015/16	Jan – March 2016 Q4 2015/16	Total for year 2015/16	Total for year 2014/15
Number of notices issued*	1	0	5	1	7	4
Number of enforcement cases lodged**	52	31	31	33	147	155

* The full range of notices which the planning authority could issue is outlined in the Council’s adopted Enforcement Charter.

** Many enforcement enquires are resolved without developing into ‘cases’ and are therefore not counted against this performance measure.

6 Customer Services

6.1 The 'Duty Officer' Service

In addition to the handling of planning applications and planning appeals, enforcement of planning control and the preparation of development/design briefs the team responds to a wide range of associated enquiries giving planning advice to the public and others. Such enquiries include giving pre application advice, advising whether planning permission is required for a particular development and giving specialist tree and landscape advice. Each month the Planning duty service receives over 400 phone calls, an estimated 100 written enquiries and 150 visits to the reception (these statistics do not include the contact made directly to planning application case officers).

6.2 Pre Application Advice

In June 2010 a formal pre application advice service was introduced. This service supplemented the more informal advice given on a daily basis by the 'duty office'. Pre application advice requested in writing is recorded in the Council's back office database and the responses are monitored. This has helped to improve the management of this service and the advice given. A total of 223 formal pre application enquiries were submitted in 2015/16, this compares to 229 submitted in 2014/15, 189 submitted in 2013/14, 153 submitted in 2012/13, 140 submitted in 2011/12 and 91 submitted in 2010/11.

6.3 E-planning

Following the successful implementation of the Council's Online Applications and Appeals (OAA), Online Planning Information Systems (OPIS) and eConsultations (eCONS) work streams the Council's Planning service went live on 29 April 2009 and all planning applications submitted following this date have been made available online. In addition to these applications being available online a programme of back scanning has been undertaken and in total 7,048 (on 11 April 2016) planning applications can be viewed online. The Council's stakeholders are actively engaged with the online services, and the public access terminals located in Fairfield House reception are widely used by members of the public for viewing planning applications. Since 29 April 2009, 2,106 planning applications (representing 35% of the total number received) have been submitted using the online services and some 8,874 comments (45% of all comments) have been received from members of the public via the web; objecting to or supporting planning applications. Since April 2009 (and as at 11 April 2016) 842,957 planning application searches have been performed via the Council's website.

7 Recommendations

7.1 It is recommended that the Committee:

- (i) notes the content of this report; and
- (ii) continues to receive an annual Planning performance report.

Ian Johnson
Head of Communities and Economy

Date: 12 April 2016
Report Contact: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk,
Tel: 0131 271 3310

Background Papers

- (a) Planning (Scotland) Act 2006
- (b) New Regulation and Circulars
- (c) Previous Committee Reports regard the new planning act

Appendix A

Table of Local Review Body Decisions (April 2015 to March 2016)

	Application Reference	Site Address	Proposed Development	Status of Review
1	14/00855/DPP	15 St James Gardens, Penicuik	Removal of materials condition	Permission granted at LRB meeting of 28.04.2015
2	14/00773/PPP	Craigesk Coachworks, 6 Ashbank, Gorebridge	Erection of dwellinghouse, formation artist studio and formation of access	Permission granted at LRB meeting of 28.04.2015
3	15/00034/DPP	Honeysuckle Cottage, Nine Mile Burn, Penicuik	Erection of upper floor extension and alterations to conservatory	Permission granted at LRB meeting of 01.09.2015
4	15/00185/DPP	86 Main Street, Newtongrange	Erection of dwellinghouse	Review dismissed at LRB meeting of 01.09.2015
5	15/00199/DPP	Land at Stone Place, Mayfield	Siting of Welfare Block	Permission granted at LRB meeting of 20.10.2015
6	15/00222/DPP	Land adjacent 103 Lothian Street, Bonnyrigg	Formation of car park	Review dismissed at LRB meeting of 01.09.2015
7	15/00325/DPP	205 Main Street, Pathhead	Removal of condition restricting installation of windows	Review dismissed at LRB meeting of 01.09.2015
8	15/00120/DPP	Springfield Farm, Polton, Lasswade	Erection of fence and gate and formation of access track	Review dismissed at LRB meeting of 20.10.2015
9	15/00335/PPP	Former Arniston Gas Works, Gorebridge	Residential development of 10 units	Permission granted at LRB meeting of 20.10.2015
10	15/00592/DPP	Whitehill, Nine Mile Burn, Penicuik	Erection of dwellinghouse	Permission granted at LRB meeting of 24.11.2015
11	15/00591/DPP	Land south of Camp Wood, Dalkeith	Erection of dwellinghouse and associated buildings	Permission granted at LRB meeting of 19.01.2016
12	15/00158/DPP	Land at Shewington, Rosewell	Temporary test piling facility	Permission granted at LRB meeting of 19.01.2016
13	15/00740/DPP	4 Newmills Road, Dalkeith	Change of use of office to residential (2 flats)	Permission granted at LRB meeting of 08.03.2016
14	15/00767/DPP	St Mary's Lodge, Rosewell	Erection of extension to dwellinghouse	Permission granted at LRB meeting of 08.03.2016
15	15/00762/DPP	42 Station Road, Roslin	Erection of extension to dwellinghouse	Permission granted at LRB meeting of 08.03.2016
16	15/00703/DPP	Former Lugton Inn Site, Old Dalkeith Road, Dalkeith	Erection of 5 dwellinghouses	Permission granted at LRB meeting of 08.03.2016



MAJOR DEVELOPMENTS: APPLICATIONS CURRENTLY BEING ASSESSED AND OTHER DEVELOPMENTS AT PRE-APPLICATION CONSULTATION STAGE

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report updates the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.

2 BACKGROUND

- 2.1 At its meeting of 8 June 2010 the Planning Committee instructed that it be provided with updated information on the procedural progress of major applications on a regular basis.
- 2.2 The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants is outlined in Appendices A and B attached to this report.

3 PREMATURE APPLICATIONS

- 3.1 A consequence of the Midlothian Local Development Plan: Proposed Plan being at an advanced stage is premature planning applications being submitted by a number of applicants on a number of sites. These are identified in Appendix A by the statement "Subject to progress on Midlothian Local Development Plan" and relate to sites which are not currently allocated for development in the adopted 2008 Midlothian Local Plan but are proposed in the MLDP. These sites are subject to representations from local communities and interested parties and will be tested at examination by a Scottish Government Reporter (anticipated to be later in 2016).
- 3.2 In the interests of fairness and transparency it is proposed not normally to report these applications to Committee until the proposed MLDP has progressed through the examination process and the Council has adopted the plan, unless the Committee wish to consider an application in advance of the adoption of the MLDP or there are extenuating circumstances. At its meeting in January 2016 the Committee expressed a preference to determine those applications

where there is a risk that applicants may appeal against non determination, an option open to applicants if an application is not determined within the set timeframe (four months from the date of validation for a major application) or an agreed extended time period.

- 3.3 If an appeal against non determination is submitted it would be determined by Scottish Ministers after consideration of relevant planning policies and other material considerations. Paramount in the consideration would be the potential for an application to undermine the development plan process if considered in advance of the adoption of the MLDP and whether Midlothian has a sufficient housing land supply as defined in Scottish Government Planning Policy.

4 RECOMMENDATION

- 4.1 The Committee is recommended to note the major planning application proposals which are likely to be considered by the Committee in 2016 and the updates for each of the applications.

Ian Johnson
Head of Communities and Economy

Date: 12 April 2016
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Tel No: 0131 271 3310

Background Papers: Planning Committee Report entitled 'Major Developments: Applications currently being assessed and other developments at Pre-Application Consultation stage' 8 June 2010.

APPENDIX A

MAJOR APPLICATIONS CURRENTLY BEING ASSESSED

Ref	Location	Proposal	Expected date of reporting to Committee	Comment
06/00474/OUT	Land adjacent to Rullion Road, Penicuik	Application for Planning Permission in Principle for residential development	Dependant upon receipt of amended plans from the applicant	The applicant is currently engaged in a pre application consultation process (15/00987/PAC) and has advised that an amended planning application will be submitted in Spring/Summer 2016.
06/00475/FUL	Land between Deanburn and Mauricewood Road, Penicuik	Erection of 300 dwellinghouses	Dependant upon receipt of amended plans from the applicant	The applicant is currently engaged in a pre application consultation process (15/00987/PAC) and has advised that an amended planning application will be submitted in Spring/Summer 2016.
14/00910/PPP	Land at Cauldcoats, Dalkeith	Application for Planning Permission in Principle for residential development, erection of a primary school and mixed use developments.	Subject to progress on Midlothian Local Development Plan	Pre-Application Consultation (14/00553/PAC) carried out by the applicants in October/November 2014.
15/00364/PPP	Land adjacent Old Pentland Road, Loanhead	Mixed-use development comprising; film and TV studio and backlot complex; mixed commercial uses; hotel; and gas heat and power plant.	Subject to determination by the Scottish Ministers	Pre-Application Consultation (14/00729/PAC) carried out by the applicants in October/November 2014. The applicants have appealed non determination.
16/00134/DPP	Land north Of Oak Place, Mayfield	Erection of 169 dwellinghouses an 30 flatted dwellings and associated works	August 2016	Pre-Application Consultation (13/00522/PAC) carried out by the applicants in August/September 2013.

APPENDIX B

NOTICE OF PRE-APPLICATION CONSULTATIONS RECEIVED AND NO APPLICATION HAS BEEN SUBMITTED

Ref	Location	Proposal	Date of receipt of PAC	Earliest date for receipt of planning application and current position
13/00609/PAC	Housing Site B, land at Newbyres, River Gore Road, Gorebridge	Residential Development	19 August 2013	12/11/13 - no application yet received The applicants have started discussing possible layouts for this site and an application is anticipated in 2016.
14/00451/PAC	Land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith	Residential development and associated developments	10 June 2014	03/09/14 - no application yet received The applicants have started discussing possible layouts for this site and an application is anticipated in 2016.
14/00833/PAC	Land at Salter's Park, Dalkeith	Mixed-use development comprising residential and employment uses	12 November 2014	05/02/15 - no application yet received A pre-application report was reported to the January 2015 meeting of the Committee.
15/00774/PAC	Site Hs14, Rosewell North, Rosewell	Residential Development	22 September 2015	15/12/15 - no application yet received A pre-application report was reported to the November 2015 meeting of the Committee
15/00936/PAC	Land 470M West Of Corby Craig Terrace, Bilston	Residential Development	25 November 2015	17/02/16 - no application yet received A pre-application report was reported to the January 2016 meeting of the Committee
15/00987/PAC	Land Between Deanburn And Mauricewood Road Penicuik	Residential Development	17 December 2015	10/03/16 A pre-application report was reported to the March 2016 meeting of the Committee
16/00072/PAC	Land to the south east of the Equine Hospital, Easter Bush Campus, Roslin	Animal research and imaging facility	05 February 2016	29/04/16 This pre-application is reported to this meeting of the Committee.

16/00157/PAC	Land north of Dalhousie Dairy, Bonnyrigg (Dalhousie Mains - MLDP site Hs10)	Residential Development	04 March 2016	30/05/16 This pre-application is reported to this meeting of the Committee.
16/00161/PAC	Land north of Dalhousie Dairy, Bonnyrigg (Dalhousie Mains - MLDP site Hs10)	Residential Development	04 March 2016	30/05/16 This pre-application is reported to this meeting of the Committee.
16/00179/PAC	Land at Easter Bush South, Easter Bush, Roslin	Animal research and imaging facility	10 March 2016	03/06/16 This pre-application is reported to this meeting of the Committee.



APPEALS AND LOCAL REVIEW BODY DECISIONS

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report informs the Committee of notices of reviews determined by the Local Review Body (LRB) at its meeting in March 2016; and an appeal decision received from Scottish Ministers.

2 BACKGROUND

- 2.1 The Council's LRB considers reviews requested by applicants for planning permission, who wish to challenge the decision of planning officers acting under delegated powers to refuse the application or to impose conditions on a grant of planning permission.
- 2.2 The decision of the LRB on any review is final, and can only be challenged through the Courts on procedural grounds.
- 2.3 Decisions of the LRB are reported for information to this Committee.
- 2.4 In addition, this report includes a decision on an appeal which has been considered by Scottish Ministers.

3 PREVIOUS REVIEWS DETERMINED BY THE LRB

- 3.1 At its meeting on 8 March 2016 the LRB made the following decisions:

	Planning Application Reference	Site Address	Proposed Development	LRB Decision
1	15/00740/DPP	4 Newmills Road, Dalkeith	Change of use of office to residential (2 flats)	Review upheld Permission granted
2	15/00767/DPP	St Mary's Lodge, Rosewell	Erection of extension to dwellinghouse	Review upheld Permission granted
3	15/00762/DPP	42 Station Road, Roslin	Erection of extension to dwellinghouse	Review upheld Permission granted

4	15/00703/DPP	Former Lugton Inn Site, Old Dalkeith Road, Dalkeith	Erection of 5 dwellinghouses	Review upheld Permission granted
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4 APPEAL DECISIONS

- 4.1 An appeal against a refusal to issue a high hedge notice (15/00876/HH) concerning a hedge at 59 Carlops Road, Penicuik has been dismissed. The applicant's address is 63 Carlops Road, Penicuik. The application was refused on the grounds that there is no adverse effect from the high hedge. A copy of the appeal decision accompanies this report.

5 RECOMMENDATION

- 5.1 The Committee is recommended to note the decisions made by the Local Review Body at its meeting on 8 March 2016 and the 59 Carlops Road, Penicuik appeal decision.

Ian Johnson
Head of Communities and Economy

Date: 12 April 2016
Contact Person: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk
Tel No: 0131 271 3310

Background Papers: LRB procedures agreed on the 26 November 2013.

High Hedges (Scotland) Act 2013

Appeal under section 12(1)

Decision by Mike Croft, a Reporter appointed by the Scottish Ministers

- High hedge appeal reference: HHA-290-3.
- Location of the hedge: 59 Carlops Road, Penicuik, EH26 9HR.
- Owner of the hedge: Mr J McCarthy.
- Appellant's address: 63 Carlops Road, Penicuik, EH26 9HR.
- Application for a high hedge notice 15/00876/HH dated 30 October 2015.
- Appeal by Dr John N Cape against the decision by Midlothian Council that there is no adverse effect from the high hedge.
- Date of site visit by Reporter: 31 March 2016.

Date of appeal decision: 11 April 2016.

Decision

1. I confirm the decision by Midlothian Council that there is no adverse effect from the high hedge.

Reasoning

2. Number 63 is a two-storey detached house, with front and rear gardens, set back about 10 metres from Carlops Road to the south-east. Adjoining number 63's north-eastern boundary is a hard-surfaced pedestrian lane towards two metres wide. Number 59 lies immediately beyond the lane on its north-eastern side. The house there, again two-story detached, is set back some 40 metres from Carlops Road. There is a stone wall on the boundary between number 59 and the lane, and the hedge in question lies next to the wall just within number 59's garden. It extends back from Carlops Road for about 39 metres. It comprises a line of about 23 leylandii trees extending for the whole of that length and, for the 12 metres or so nearest the road, there is also a privet hedge between the leylandii and the wall. The council says that the leylandii are up to about seven metres high, and my observations during my site inspection confirmed that. The heights of the leylandii trees do not vary much along the length of the hedge. The privet is much lower, up to about three metres high.

3. The test to be applied in this case, as specified in section 6(5)(a) of the Act, is "whether the height of the high hedge adversely affects the enjoyment of the domestic

property which an occupant of that property could reasonably expect to have". Reasonable enjoyment of a domestic property can have a number of different components, and the appellant in this case raises several matters. The components go beyond those covered in some detail in the publication "*Hedge Height and Light Loss*" (2005) written by the Building Research Establishment (BRE).

4. The appellant is concerned about the effect of the leylandii hedge on light levels to a front bedroom. He says that there is virtually no view of the sky though the bedroom's side window because of the hedge and, although he once had a view from there over the top of the hedge to the hills, very little light now comes into the window and the direct view is of a wall of unattractive hedging. I saw for myself that the hedge indeed tends to fill the view through that window: one needs to get very close indeed to the window before any sky can be seen through it. But I also saw, very much as pointed out by the council, that the side window is not the bedroom's main window: it has a larger window in the front main wall providing daylight, sunlight and more distant views, and that larger window is an important source of reasonable enjoyment of the bedroom.

5. The appellant calculates from the BRE publication that the "action hedge height" for the hedge in question, in relation to the bedroom's side window, is 4.7 metres, with a need for a further reduction below that height to allow for future growth. However, it is important to my mind that that assessment does not take into account the benefit that is derived from the larger front window to the same room. I accept that there may be some loss of light to the landing and stairs, through a part-glazed door immediately opposite the side window, but light levels to the landing and stairs might not be particularly good even with a lower hedge.

6. The appellant also complains that the light to his dining room at the rear of the house, as seen through double patio doors, and to the adjacent kitchen as seen through its window, is also reduced because of the hedge. I agree that there is some light reduction to these rooms, but the hedge is very much to one side in the views from the relevant windows. Those views include the full length of the appellant's garden, his garden fence, a house beyond the garden and his garage on the side of the garden furthest from the hedge. I do not believe that there is a loss of reasonable enjoyment in this respect. The rooflights to the dining room assist to a degree in enhancing light levels to the dining room.

7. I also made observations from the appellant's study window at the front of his house. From here the hedge is very much to one side of the view and it does not extend very far forward in the view. I do not see the appellant's reasonable enjoyment being affected in this respect.

8. The appellant also says that there is a loss of light to his garden, especially the rear garden. He asserts that the early morning sun is completely cut out, to the detriment of what grows in the back garden. My assessment is that there will indeed be some over-shadowing as a result of the hedge to the appellant's garden, but the effect in this respect will be limited to the summer months and then only very early in the mornings. The sunlight lost as a result of the hedge will be a very small proportion of the overall amount of sunlight received in the garden, and I would not expect, nor did I see, any adverse effect on plant growth in the garden. I agree with the council's Landscape Officer that the hedge is

“somewhat dominant” but I am not satisfied that the amount of dominance is sufficient to be regarded as a loss of reasonable enjoyment

9. Bringing these threads together, I am not satisfied that, even in combination, the various matters I refer to above mean that the hedge at its present height affects the enjoyment of the appellant’s property in the terms of the Act.

10. The Scottish Government’s “*Guidance to Local Authorities*” (2014) on the 2013 Act refers to a number of matters – beyond the reasonable enjoyment of neighbours’ domestic properties – that may be relevant in high hedge cases. The appellant refers to one matter that does not relate directly to his property and that is his contention that the hedge overhangs the lane, making the lane inconvenient and dark. I saw that there is indeed some overhanging, but the hedge growth over the lane is for the most part above the head height of passers-by, and I do not consider there is any material loss of convenience or safety for them.

11. I have taken account of all the other matters raised, but none of them is as important as the matters I deal with above.

Mike Croft

Reporter



PRE - APPLICATION REPORTS REGARDING A PROPOSED LARGE ANIMAL RESEARCH AND IMAGING FACILITY AT LAND 370M SOUTH EAST OF EQUINE HOSPITAL, EASTER BUSH CAMPUS, BUSH FARM ROAD, ROLSIN (16/00072/PAC) AND AT LAND AT EASTER BUSH SOUTH, EASTER BUSH, ROSLIN (16/00179/PAC)

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of 2 pre application consultations submitted regarding a proposed Large Animal Research and Imaging Facility at land 370m south east of Equine Hospital, Easter Bush Campus, Bush Farm Road, Roslin (16/00072/PAC) and at land at Easter Bush South, Easter Bush, Roslin (16/00179/PAC). The 2 consultations relate to alternative locations for the same facility.
- 1.2 The pre application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 27 May 2014 and subsequent procedures were reported to the Committee at its meeting of 7 October 2014. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre application consultation for a research and imaging facility for large animals at land 370m south east of Equine Hospital, Easter Bush Campus, Bush Farm Road, Roslin was submitted 5th February 2016. A pre application consultation for a research and imaging facility for large animals at land at Easter Bush South, Easter Bush, Roslin was submitted on 10th March 2016.

- 2.3 As part of the pre application consultation process the applicants held a public event/drop in session at the Roslin Institute, Easter Bush Campus between 11am and 4pm on Wednesday 30 March 2016. Following the public event the applicant could submit a planning application for the proposal once 12 weeks has elapsed from the date of submission of the pre application consultation. It is anticipated that a planning application for detailed planning permission will be submitted. It is reasonable for an Elected Member to attend such a public event without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance) not offer views, as the forum for doing so will be at this meeting of the Planning Committee.
- 2.4 Copies of the pre application notices have been sent by the applicant to the Penicuik and District Community Council, Loanhead Community Council, the Roslin and Bilston Community Council and the Damhead and District Community Council.

3 PLANNING CONSIDERATIONS

- 3.1 Two possible sites have been identified for the development. One site is situated on land to the south east of the existing campus buildings at Easter Bush Campus. The site has an area of 0.5 hectares. The second site is also to the south east of the existing campus buildings at Easter Bush Campus. The second site has an area of 1.4 hectares.
- 3.3 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.4 The adopted 2008 Midlothian Local Plan (MLP) identifies the site as being in the countryside; the green belt; and the "non-conforming" land use at the Bush Estate. Any subsequent planning application will be subject to assessment against policies RP1: Protection of the Countryside; RP2: Protection of the Green Belt; and RP3: Major Non-Conforming Land Uses in the Green Belt. The development is associated with the established activity at the Bush Estate and the principle of development could therefore be considered acceptable.
- 3.5 In addition, the following is also a significant material consideration to consider:

At its meeting of 16 December 2014 the Council approved the Midlothian Local Development Plan Proposed Plan. Although the proposed plan is subject to Local Plan Examination, the development strategy in the plan would be a material consideration which can be given significant weight. The proposed plan identifies the land as forming part of a site allocated for biotechnology/knowledge-based industries.

4.□ PROCEDURES

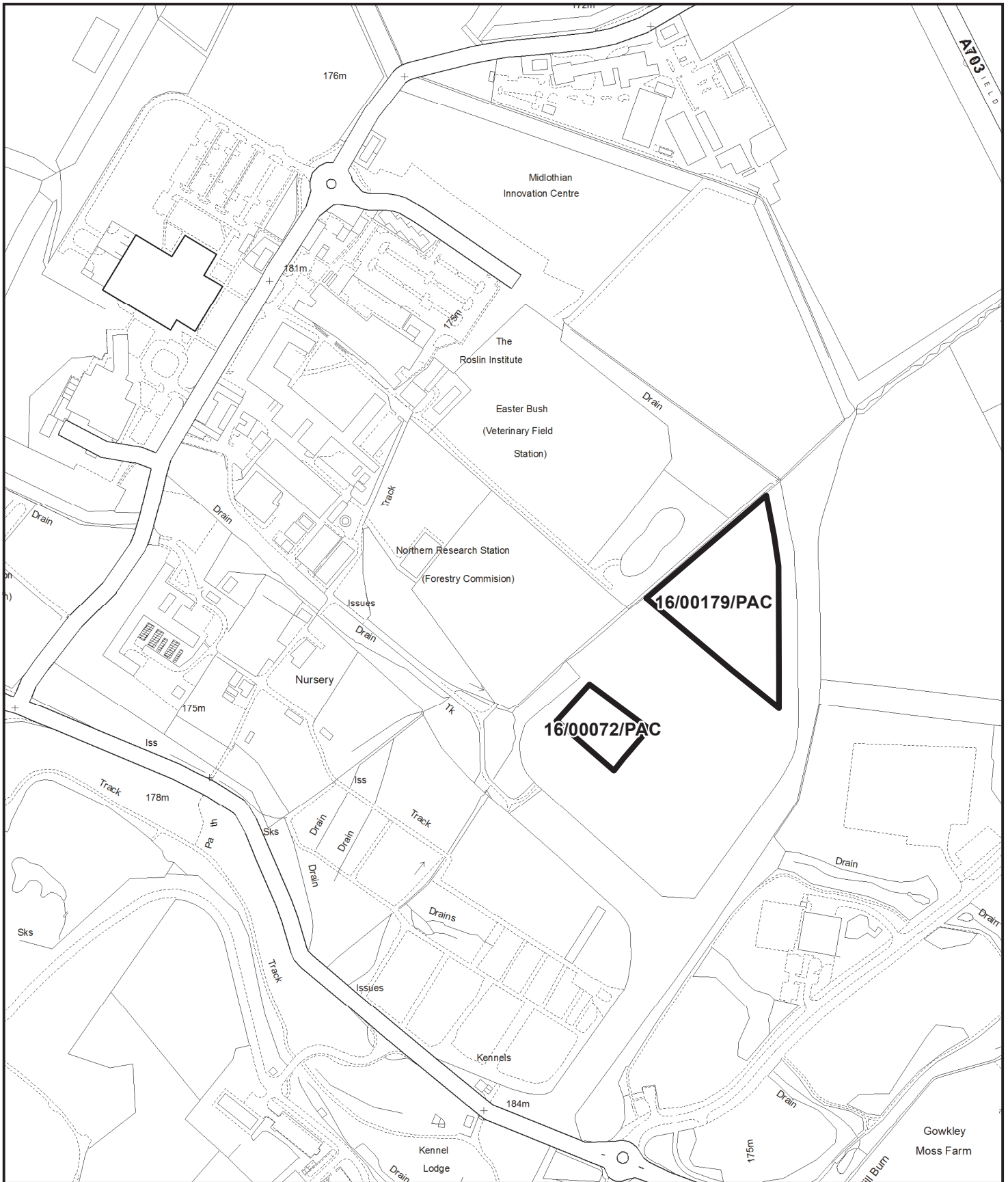
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

5 RECOMMENDATION

- 5.1 It is recommended that the Committee notes:
- a) the provisional planning position set out in this report; and
 - b) that any comments made by Members will form part of the minute of the Committee meeting; and
 - c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Ian Johnson
Head of Communities and Economy

Date: 12 April 2016
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**Education, Economy
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Pre Application Consultations

Proposal of application notices for for large animal research and imaging facility at Easter Bush

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File No. 16/00072/PAC & 16/00179/PAC

Scale: 1:5,000

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PRE APPLICATION REPORT REGARDING A PROPOSED RESIDENTIAL DEVELOPMENT AT LAND NORTH OF DALHOUSIE DAIRY, BONNYRIGG (16/00161/PAC & 16/00157/PAC)

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a pre application consultation submitted regarding: (A) a proposed planning application in principle for residential development at land north of Dalhousie Dairy, Bonnyrigg (16/00161/PAC); and, (B) a proposed detailed planning application for a proposed residential development on part of the land north of Dalhousie Dairy (16/00157/PAC). The site is identified as Site Hs10 Dalhousie Mains in the proposed Midlothian Local Development Plan (MLDP).
- 1.2 The pre application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 27 May 2014 and subsequent procedures were reported to the Committee at its meeting of 7 October 2014. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre application consultation for a residential development at land north of Dalhousie Dairy, Bonnyrigg was submitted 4 March 2016.
- 2.3 As part of the pre application consultation process the applicants are to hold a public event in the form of a staffed exhibition at Lasswade Central Library during the week commencing 18 April 2016. In addition the applicant will create an interactive web site which will permit local residents, stakeholders and interested parties to make comments. It is reasonable for an Elected Member to attend such a public event

without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance) not offer views, as the forum for doing so will be at this meeting of the Planning Committee.

- 2.4 Copies of the pre application notices have been sent by the applicant to Bonnyrigg and Lasswade Community Council.

3 PLANNING CONSIDERATIONS

- 3.1 The proposed development is situated on land north of Dalhousie Dairy and to the immediate north east of the built up area of the settlement of Bonnyrigg. The land is approximately 18.4 hectares.
- 3.3 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.4 The adopted 2008 Midlothian Local Plan (MLP) identifies the site as being in the countryside and green belt and any subsequent planning application will be subject to assessment against policies RP1: Protection of the Countryside and RP2: Protection of the Green Belt. A provisional assessment against these policies does not support the scheme on the basis that the proposed development is not necessary for agriculture or for any other rural business.
- 3.5 However, there is a significant material consideration to consider. This is as follows:

At its meeting of 16 December 2014 the Council approved the Midlothian Local Development Plan Proposed Plan. Although the proposed plan is subject to Local Plan Examination, which is anticipated to be in the Summer of 2016, the development strategy in the plan would be a material consideration which can be given weight. The proposed plan identifies the site as a potential housing site for 300 dwellings.

- 3.6 A consequence of the Proposed Plan being at an advanced stage is that if an application is submitted prior to the adoption of the MDLP the application will be considered as premature. The site is subject to a representation from the applicant regarding the number of residential units that the site is identified for and representations from the local community and interested parties and will be tested at examination by a Scottish Government Reporter.

4. □ PROCEDURES

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.

- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

5 RECOMMENDATION

- 5.1 It is recommended that the Committee notes:
- a) the provisional planning position set out in this report; and
 - b) that any comments made by Members will form part of the minute of the Committee meeting; and
 - c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Ian Johnson
Head of Communities and Economy

Date: 12 April 2016
Contact Person: Peter Arnsdorf, Planning Manager
Tel No: 0131 271 3310



APPLICATION FOR PLANNING PERMISSION (15/00083/DPP) FOR THE ERECTION OF 33 DWELLINGHOUSES AND 12 FLATTED DWELLINGS; FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS ON PART OF SITE C AND D, LAND AT HOPEFIELD FARM, BONNYRIGG

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

1.1 The application is for the erection of 33 dwellinghouses and 12 flatted dwellings; the formation of access roads and car parking and associated works on part of Site C and D, Land at Hopefield Farm, Bonnyrigg. There has been consultation responses received from the Council's Policy and Road Safety Manager and the Head of Education. There have been no representations. The relevant development plan policies are RP20, COMD1, IMP1, IMP2 and DP2 of the Midlothian Local Plan. The recommendation is to grant planning permission subject to conditions.

2 LOCATION AND SITE DESCRIPTION

2.1 The site forms part of the wider Hopefield development located to the south side of Bonnyrigg. The land is to the west side of the northernmost part of the Hopefield site and is bounded on its north side by the walkway which follows the route of a former railway. The Hopefield development comprises development plots A to Z. The application site relates to part of plots C and D. Plot O is the site of the new Burnbrae Primary School, plot Q is a mix of residential and commercial uses and plot Z is allocated for economic land uses. The remaining plots, including C and D, are proposed residential plots, the majority of which have been built or are under construction.

3 PROPOSAL

3.1 The proposal is for a medium density private housing development incorporating; 11 detached houses, 16 semi-detached houses, 6 terraced houses; and 12 flats.

3.2 There are 17 two bedroom units, 13 three bedroom units, 14 four bedroom units and 1 five bedroom unit.

- 3.3 The flatted block is three storeys high with four flats per floor. All other properties are two storeys.
- 3.4 Vehicular access to the site is from the west via the development site the subject of planning permission 13/00318/MSC (see paragraph 4.4).

4 BACKGROUND

- 4.1 There have been a significant number of applications for the Hopefield development since approval of the outline planning application for the whole site in 2003. There have been over 30 subsequent applications for full planning permission/detail planning permission and reserved matters/matters specified in conditions across the Hopefield development area. Those most relevant to the current application are:
 - 4.2 Application **01/00033/OUT** for outline planning permission for residential development with an associated industrial/business use, landscaping, open space and new distributor road was approved 6 August 2003 subject to conditions and the prior signing of a legal agreement. The legal agreement (and subsequent amendments) secured developer contributions towards education provision, infrastructure, sports facilities and the provision of affordable housing.
 - 4.3 Application **04/00553/FUL** for a masterplan illustrating the proposed housing areas, landscaping and open space areas, roads, community facilities and employment and industrial land (part of the reserved matters required by outline planning permission 01/00033/OUT) was approved on 24 June 2005.
 - 4.4 Application **13/00318/MSC** was for the erection of 97 dwellinghouses and 12 flatted dwellings; formation of access roads and car parking; and associated works (Application for Approval of Matters Specified in Condition 2 of Planning Permission 01/00033/OUT) on part of site C and D, approved 29 November 2013. The site the subject of planning permission 13/00318/MSC does not include the site the subject of the current planning application.
 - 4.5 Applications **14/00263/PPP** and **14/00264/PPP** were for planning permission in principle for residential development on plots H and I and were approved on the 4 June 2015. These applications were approved subject to a legal agreement securing developer contributions towards education provision, Borders Rail and the provision of affordable housing. The legal agreement not only covered the sites identified in these applications but all remaining units above the initially anticipated 1,100 dwellings covered by the original outline planning permission. It is anticipated that approximately 1,300 units will be delivered across the whole Hopefield development.
 - 4.6 The application has been called to Committee for consideration by Councillor Milligan.

5 CONSULTATIONS

5.1 The **Policy and Road Safety Manager** has no objection to the application.

5.2 The **Head of Education** has advised that a development of 45 dwellings would give rise to the following number of pupils:

Primary Non Denominational	13
Primary Denominational	1
Secondary Non Denominational	9
Secondary Denominational	1

5.3 Primary Non Denominational provision will require additional capacity provision including the identification of a site on which the additional capacity can be provided, and accordingly, developer contributions will be required towards the consequential costs of this augmented capacity.

5.4 Primary Denominational provision will be at St Mary's RC Primary School which currently has sufficient capacity for this development.

5.5 Secondary Non-Denominational provision will require additional capacity provision and, accordingly, developer contributions will be required towards the consequential costs of this augmented capacity.

5.6 With regard to Secondary Denominational provision a contribution per house towards St David's High School is required.

6 REPRESENTATIONS

6.1 No representations have been received in connection with this application.

7 PLANNING POLICY

7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:

7.2 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area;

7.3 **Midlothian Local Plan Policy COMD1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, facilities and affordable housing. The application

site forms part of committed site h28 (allocated in the 2003 Midlothian Local Plan).

- 7.4 Policy **IMP1 New Development** advises that planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for necessary infrastructure and environmental improvements;
- 7.5 Policy **IMP2 Essential Infrastructure Required to Enable New Development to Take Place** aims to ensure that development does not proceed until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal. Planning conditions and legal agreements to secure the appropriate developer funding and the proper phasing of development. The policy identifies the required infrastructure requirements which will form the basis of securing a contribution;
- 7.6 Policy **DP2 Development Guidelines** which is a set of criteria covering design, sustainability, landscaping, open space provision, house layout, and parking.

National Policy

- 7.7 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.8 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposed development complies with development plan policies unless material planning considerations indicate otherwise. The planning history of the site, the Hopefield masterplan and the consultation responses received are material considerations.

The Principle of Development

- 8.2 The site is allocated for housing and is located within the built up area of Bonnyrigg where there is a presumption in favour of appropriate development. The principle of residential development on this site is established by its allocation for housing within the adopted Midlothian Local Plan 2003, with an indicative capacity of 1,100 units. This position was reaffirmed by the site's continued allocation in the Midlothian Local Plan 2008 (MLP) and by successive grants of

planning permission across the site. Detailed planning permissions have been granted for all the housing development areas apart from plots B, L2 and the application site, part of C and D.

- 8.3 As the development at Hopefield has been built out in phases it has become apparent that the overall number of dwellinghouse on the site will exceed the original indicative 1,100 units and will be closer to 1,300 units. Once the detailed planning permissions for the first 1,100 houses had been approved an additional legal agreement was concluded to secure additional developer contributions for the extra units. In planning terms the 'extra' units, above the 1,100, are acceptable as long as the design and layout of the development is not detrimentally affected by the increase, the impact in terms of transportation and parking can be mitigated and the local schools can accommodate the anticipated increase in pupil numbers.

Layout and Form of the Development

- 8.4 The proposed layout and form of development adheres closely to the approved masterplan (application 04/00553/FUL) for this part of the Hopefield development. It comprises a medium density development which is compatible to the neighbouring development areas in terms of its layout, street pattern and property sizes. The proposed flatted block is in the optimum landmark location at the head of a 'T' junction on the main Hopefield estate road. A strong street frontage is created to each of the boundaries, overlooking the estate road to the south and open space to the west. The north and east frontages adjoin houses already approved and under construction on the eastern part of plots C and D. Good pedestrian and cycle links have been created connecting to the existing and approved networks.
- 8.5 Plots C and D were expected to have approximately 111 units, the proposed layouts for these plots totals 154 units. Planning permission 13/00318/MSC granted permission for 109 units and the current application is for 45 units. However, the boundaries between the original plots have evolved since their original conception and as such plots C and D also incorporates a part of plot E. Despite this complication it is evident that the number of dwellings has increased beyond those originally envisaged. However, this has not been to the detriment of the layout or form of the development.

Design and Materials

- 8.6 The mix of house types and size of dwellings is acceptable. The architectural styles of the houses are traditional in form and complement the character and visual amenity of the area. In terms of the number of units, their size, massing and positioning on the site would not appear cramped or an unsympathetic development on the site. The predominant building elevation material will be render and brick. Roofing materials should be a mix of pantiles and high quality

red and grey tiles to reflect the colours used in the already approved part of plot C and D which is under construction.

- 8.7 The road layout and car and cycle parking is acceptable in transportation terms.
- 8.8 SUDS drainage is already provided for by Hopefield wide treatment ponds, and the site will contain porous paving to reduce the pressure on these ponds.
- 8.9 The distances between the proposed houses are in accordance with adopted Policy DP2 standards, and there will be no significant adverse impact on existing houses in terms of daylighting or privacy. Garden sizes are in accordance with DP2 standards with the exception of a small number of units which fall marginally below the standard garden sizes; and this is regarded as acceptable in terms of overall layout and design.
- 8.10 There is a hedgerow consisting of mixed species growing along the north-western boundary where the site adjoins the railway walk; this provides containment of the site and should therefore be protected by fencing during the construction. Some proposed tree planting is shown too close to the dwellings, there should be no plant nearer to a dwelling than 4.5m. Where trees are shown planted in hardstanding sufficient soil volume needs to be afforded each tree (target volume for a medium sized tree is 11.8 cubic metres). These controls can be secured by conditions imposed on a grant of planning permission. Subject to these conditions the proposed development is acceptable in landscape terms.

Open Space and Recreation.

- 8.11 Open space for sport, including playing fields has already been formed within the Hopefield development and is of a size such that no additional provision is required.
- 8.12 In terms of informal recreation and play for the north western part of the Hopefield development site the approved Hopefield Masterplan delineates a small urban park and also an area for public art on land immediately to the west and south west of the application site. In the masterplan the land is referred to as Landscape Zone 6: Western Finger. Illustrative plans show it as being a grassed recreational area comprising: (i) a central grassed open space; (ii) a local equipped area for children's play (LEAP) on its northern part; (iii) an area for public art (per cent for art) on the corner formed by two roads; (iv) lines of trees with formal hedging along edges, and, (v) formal shrub planting. In addition footpaths/cycleways are shown as traversing the urban park, connecting to existing footpaths/cycleways within Hopefield and the existing surrounding development, one of which is the safe route to the secondary school.

- 8.13 The approved phasing plan for the Hopefield development site; which forms part of the approved masterplan, identifies that that urban park and artwork be formed within development phase two. However, they have not yet been formed and some of the development plots within phase three of the development have already been built out. The urban park is part of the essential children's play and recreational open space requirement for the future occupants of the houses within the whole of the Hopefield development. Although there is now no requirement for a LEAP to be provided within the park owing to there being existing adequate equipped play facilities within the neighbourhood children's play area within the Hopefield development site, the grassed area is required for informal recreational activities, including for children's play. The future occupants of the houses and flats the subject of this planning application will benefit significantly by the timeous formation of the urban park owing to the close juxtaposition of them to it. The five houses on plots 67-71 front onto the urban park and the flatted block on plots 92-103 has an elevation that faces onto it. If the urban park is not formed prior to these specific dwellings being occupied then the undeveloped condition of the land would be a source of unsightliness to them and would detract from their residential amenity. As such the five houses on plots 67-71 and the 12 flats within the flatted block on plots 92-103 shall not be occupied until the urban park is formed in its entirety and made available for use and the public art (percent for art) is in situ all in accordance with a detailed landscape scheme to be submitted for the prior written approval of the Planning Authority.

Affordable Housing

- 8.14 With regards to affordable housing, the approved strategy for the Hopefield development was to allocated specific sites for affordable housing provision (E, I, and Q). This is the strategy that has been implemented. The delivery of additional housing beyond the originally anticipated 1,100 dwellings triggered a demand for further contribution towards the provision of affordable housing.

Developer Contributions

- 8.15 Primary Non Denominational and Secondary Non Denominational provision will require additional capacity provision and, accordingly, developer contributions will be required towards the consequential costs of this augmented capacity. These developer contributions have been secured by legal agreement in granting planning permission 14/00263/PPP and 14/00264/PPP (see paragraph 4.5). However, it would be appropriate to review the financial arrangements secured in the agreement to ensure the consequential educational impact of the proposed development is addressed to account for current circumstances. Accordingly any identified shortfall can be made good by a supplementary agreement. The agreement covered all those residential units above the originally anticipated 1,100 units.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be granted for the following reason:

The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply within the adopted Midlothian Local Plan 2008 and accords with development plan policies COMD1 and RP20. Furthermore, the development, subject to the recommended planning conditions, accords with good design principles and with Policies DP2, IMP1 and IMP2 of the adopted Midlothian Local Plan 2008. The presumption for development is not outweighed by any other material consideration

subject to reviewing the financial arrangements which are already in place to ensure the consequential educational impact of the proposed development is met and if a shortfall is identified to conclude a supplementary agreement to make good the shortfall;

and 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 in communal areas, road verges and open space, 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 to a specified standard and subsequent maintenance of all soft and hard landscaping. The landscaping in the open space shall be completed prior to the houses on adjoining plots being occupied;
 - vii drainage details, watercourse diversions, flood prevention measures 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 cycle parking facilities;

- xi details of existing and proposed services; water, gas, electric and telephone; and
- xii proposed area of improved quality.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion to a specified standard 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.

Prior to this condition being discharged the finished standard of open space shall be inspected and approved in writing by the planning authority.

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 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. An enhanced quality of materials shall be used in the area of improved quality. 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.*

- 3. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed 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 proposed car parking arrangements;

- vii an internal road layout which facilitates service/emergency vehicles entering and leaving the site in a forward facing direction; and
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

- 4. Details of how the trees proposed in hardstanding areas are to be accommodated shall be submitted for the prior approval of the planning authority. The details shall include soil volume per tree of between 11.8 cubic metres and 30 cubic metres depending on the size of the trees.

Reason: *In order for the trees to be retained as tree roots will conflict with hard surfaces in which they will be located.*

- 5. Where trees are shown in close proximity to services, including between plots 110 and 111 a root barrier shall be deployed.

Reason: *In order for the trees to be retained and mitigate conflict with the proposed services.*

- 6. 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.*

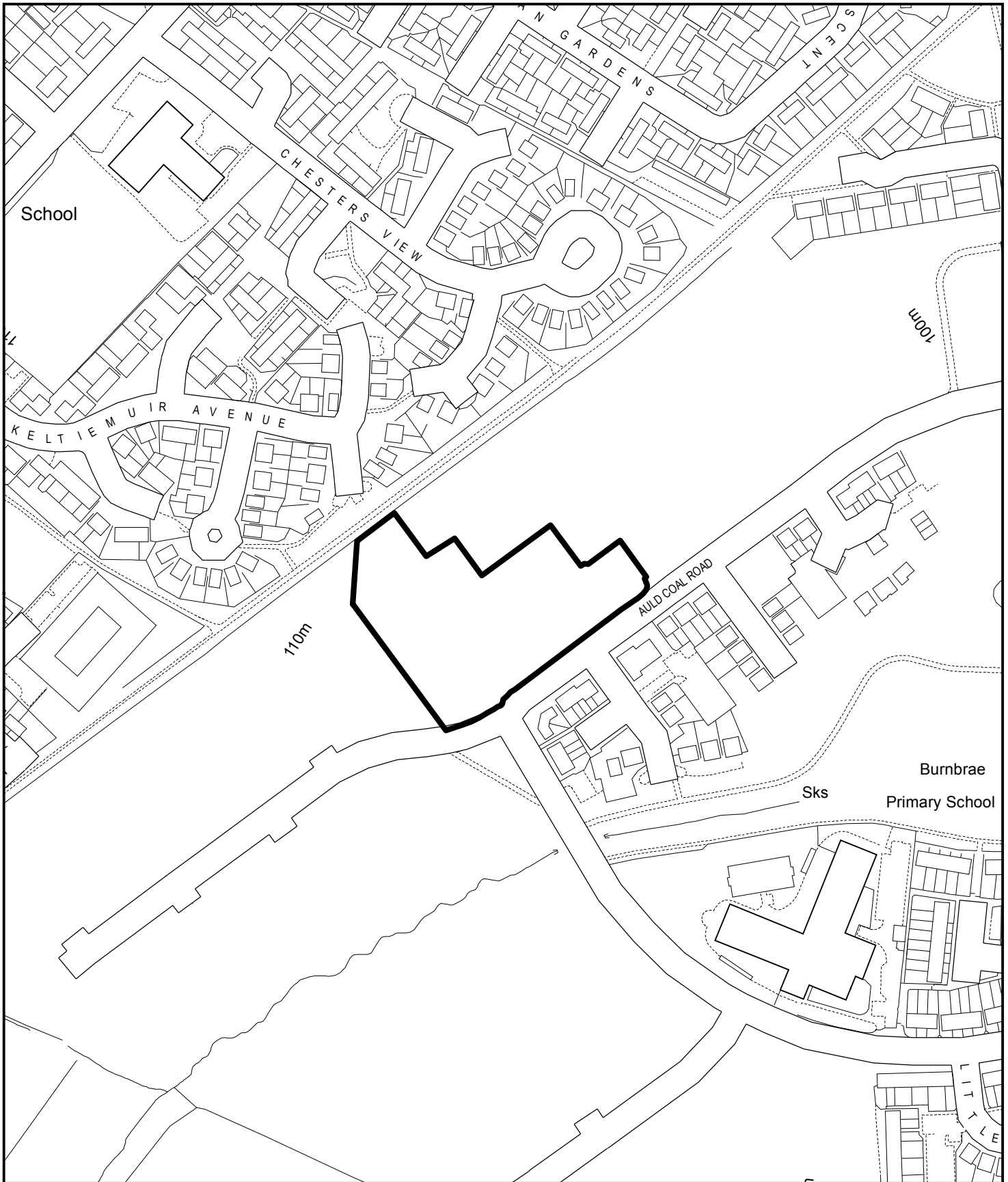
- 7. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband (or subsequent replacement internet connectivity technology) have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

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

Ian Johnson
Head of Communities and Economy

Date: 12 April 2016
Application No: 15/00083/DPP
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Validation Date: 25 February 2015
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Background Papers: 01/00033/OUT, 04/00553/FUL, 10/00137/PAC,
10/00334/DPP and 13/00318/MS.



**Education, Economy
& Communities**
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Site C And D, Land at Hopefield Farm, Bonnyrigg

18th February 2016

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