

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 17 November 2015 at 2.00 pm.

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

Apologies for Absence: - Councillors Bennett, Coventry and Imrie.

1. Declarations of Interest

Councillor Young declared a non-pecuniary interest in agenda item 10(d) - Application for Planning Permission in Principle (**15/00546/PPP**) for Residential Development on Land West of The Cottage, Hardengreen (paragraph 4 of the **Appendix** refers), on the grounds that he knew the land owner. He indicated that it was his intention to leave the meeting for the duration of this particular item and not to contribute to any discussion thereof.

2. Minutes

The Minutes of (i) Meeting of 25 August 2015 and (ii) Special Meeting of 15 September 2015 were submitted and approved as correct records.

3. Midlothian Local Development Plan: Proposed Plan

With reference to the Addendum of the Minutes of the Council of 16 December 2014, there was submitted report dated 10 November 2015, by the Head of Communities and Economy providing an update on progress of the preparation of the Midlothian Local Development Plan (MLDP).

The report advised that the consultation period on the MLDP: Proposed Plan had ended on 26 June 2015. In response to the publishing of the proposed plan, 834 representations had been received comprising 2,628 separate comments for consideration. As of the 10 November 2015 the Planning team had considered and drafted a provisional response to 70% of the comments.

The Planning Manager confirmed that it was proposed to hold a series of workshops to provide elected Members with more detail with regard the scale and nature of representations received. Following which it was proposed to report to Council to seek approval for the submission of the proposed MLDP to the Scottish Government. It was anticipated that an examination by a Scottish Government Reporter would commence in Spring 2016. Adoption of the Plan was expected in the Autumn of 2016.

Decision

- (a) To note the Midlothian Local Development Plan update; and
- (b) To agree to hold elected Member workshops in January 2016.

(Action: Head of Communities and Economy)

4. Planning Performance Framework

With reference to paragraph 3 of the Minutes of 20 November 2012, there was submitted report, dated 10 November 2015, by the Head of Communities and Economy, providing an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian and advising of the feedback received from Scottish Government on Midlothian Council's Planning Performance Framework report for 2014-15.

The report advised that the feedback report (a copy of which was appended to the report) provided a helpful independent 'audit' of performance and progress, as well as some clear indications of areas for improvement, and as such, was to be welcomed as a positive statement.

The Committee, then heard from the Head of Communities and Economy who responded to Members' questions.

Decision

To note the feedback received from Scottish Government on the Council's submitted Planning Performance Framework (PPF) for 2014/15.

(Action: Head of Communities and Economy).

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

There was submitted report, dated 10 November 2015 by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

The Committee, heard from the Planning Manager, who in responding to point raised regarding the quality of the Pre-Application Consultation carried out by some applicants, advised that it was always helpful to get feedback regarding such matters.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2015/16; and
- (b) To note the updates for each of the applications.

(Action: Head of Communities and Economy)

6. Appeal and Local Review Body Decisions

There was submitted report, dated 10 November 2015, by the Head of Communities and Economy, detailing the notices of reviews determined by the Local Review Body (LRB) at its meetings in September and October 2015 and advising of the outcome of an appeal determined by Scottish Ministers.

The report advised that the appeal by Mr M Robertson was against the issuing of an enforcement notice to secure the removal of two dormer windows which had been erected without the benefit of planning permission at 15 Dundas Street, Bonnyrigg. The Scottish Ministers had dismissed the appeal and as the works were retrospective the Reporter had given the applicant 9 months (until 10 May 2016) to remove them.

Decision

- (a) To note the decisions made by the Local Review Body at its meetings on 1 September 2015 and 20 October 2015; and
- (b) To note the outcome of the appeal determined by Scottish Ministers.

7. Pre-Application Consultation - Proposed Residential Development at Site HS14, Rosewell North, Rosewell (15/00774/PAC)

There was submitted report, dated 10 November 2015, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development at site HS14 Rosewell North, Rosewell (15/00774/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.

Having heard from the Planning Manager, the Committee discussed the ability of the area to sustain more development without investment in better public transport, improved community facilities, protection of the existing cycle route and the provision of new links into it, and the provision of fibre optic broadband. Consideration was also given to possible issue of coalescence.

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).

8. Applications for Planning Permission

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

The meeting terminated at 3.41pm.

APPENDIX

(relative to paragraph 8)

1. **Application for Planning Permission in Principle (15/00045/PPP) by Old Road Securities plc, c/o EMA Architecture and Design Ltd for Residential Development; Community Facilities; Primary School; Playing Field; Office Units (Class 4); Farm Shop (Class 1); Café (Class 3) and Rail Halt with Associated Car Parking; Public Open Space; Roads and Drainage Infrastructure at Redheugh East, Gorebridge.**

There was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, discussed the proposed development, giving particular consideration to issues arising from the timing of the provision of certain elements of the proposed development, most notably the primary school; concerns were expressed regarding the prospect of young children and their families having to cross the busy A7 in order for the children to attend primary school. Other issues which were also discussed included the provision of a rail halt as opposed to a station; consistency in the timings for site works/plant noise; and landscaping within the site. In response to a question regarding the provision of fibre optic broadband connections, Members noted that the issue had been raised with the applicants. With regards the issue of Supplementary Guidance on the provision of Broadband it was intended to bring forward a report in the new year.

After further discussion, the Committee agreed that planning permission be granted for the following reason:

The proposed development is in accordance in principle with the adopted Midlothian Local Plan which allocates this site for a new settlement. An appropriate Masterplan for the new settlement can be secured by condition.

subject to:

- (i) the prior signing of a legal agreement to secure the provision of affordable housing, education provision, children's play provision, new community facilities, Borders Rail Line contributions and road improvements, as well as works to secure safe routes to schools; and,
- (ii) the following conditions:
 1. The development hereby permitted shall be begun within ten years from the date of this permission, or within two years from the date of approval by the planning authority of the last application for matters specified in conditions to be approved. Application for approval of matters specified in conditions shall be made to the planning authority within eight years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected

commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 59 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006). The statutory three years has been extended because of the long-term nature of the development.*

2. The masterplan submitted with the application is not approved. The details of the development delineated on the Indicative Development Framework Plan (Ref no 13023(PL)001B REV B), dated 18 September 2014 and the Masterplan – Redheugh East Design and Access Statement and dated August 2014 and submitted with the application, are not approved.

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

3. Development shall not begin until an application for approval of matters specified in conditions for a masterplan for the site has been submitted to and approved in writing by the planning authority. The masterplan shall identify how the development addresses the following:
 - i. links between Redheugh East (the application site), Redheugh West and the the long-term safeguarded land to the west of Redheugh West;
 - ii. the form, densities and scale of the built environment;
 - iii. percent for art;
 - iv. areas of improved quality;
 - v. a schedule of anticipated materials
 - vi. site levels;
 - vii. landscaping;
 - viii. areas of open space, the linear park/green corridor and play areas (equipped, informal kick about areas, pitches and informal open space) and their location; and
 - ix. the installation of high speed broadband to the new housing, business and other uses on the site.

Reason: *To ensure the development is designed and planned to deliver a coherent community for the benefit of the future occupants.*

4. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, community facilities, the central hub (retail unit/s and business units) the provision of open space, structural landscaping, SUDS provision and transportation

infrastructure, in particular the provision of the road and bridge across the Borders Rail line. The phasing shall show the land between the A7 and the Borders Rail line as phase 1 of the development. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

5. Development shall not begin until an application for approval of matters specified in conditions for a scheme of effective drainage and flood management for the site has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. a scheme for the Sustainable Urban Drainage for the whole of the site. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and shall incorporate source control; and
 - ii. levels both existing and proposed for the whole site showing 1m contours and cross sections through the site. This topographic information shall clearly demonstrate that there is a sufficient height difference between the small watercourses (identified in the Kaya Consulting Flood Risk Assessment, dated 2015) and the proposed development. This shall include existing and proposed ground levels, watercourse bank and bed levels, and finished floor levels.

Reason: *The planning application is in principle and the details required are to ensure the surface water from the whole site can be appropriately treated and to ensure that levels on the site are appropriate in relation to flood risk.*

6. Development shall not begin on any individual phase of development (identified in compliance with conditions 3 and 4) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works for the corresponding phase of development 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, SUDs features 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. This shall include the retention, protection during construction and inter-planting of the hedging on both sides of Povert Road;

- iii. proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas, including the details of the means of planting to ensure sufficient soil volumes are allowed to enable new planting particularly in areas of hardstanding to become established;
- iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures, and any acoustic fencing required to comply with noise requirements;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density, having cognisance to the requirements of Network Rail in relation to planting in proximity to the rail line and the species to be planted ;
- vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the buildings on adjoining plots being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii. drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- viii. 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. proposed woodland management plan for any existing, to be retained, and proposed woodland; and,
- xii. details of existing and proposed services; water, gas, electric and telephone.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (part vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *The application is in principle and the hard and soft landscaping scheme will ensure the development is acceptable for future residents.*

- 7. Development shall not begin on an individual phase of development (identified in compliance with conditions 3 and 4) until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings and other structures, including electricity substations, for the corresponding phase of development has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure

and ancillary structures. 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 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.*

8. Development shall not begin on an individual phase of development (identified in compliance with conditions 3 and 4) until an application for approval of matters specified in conditions for site access, roads, footpaths, cycle ways and transportation movements for the corresponding phase of development 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 roads (including turning facilities), footpaths and cycle ways;
 - iii. proposed visibility splays, traffic calming measures, lighting and signage;
 - iv. proposed construction traffic access and haulage routes;
 - v. a green transport plan designed to minimise the use of private transport and to promote walking, cycling and the use of public transport;
 - vi. proposed car parking arrangements;
 - vii. an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
 - viii. details of 3 metre wide pedestrian/cycling link to be provided to all boundaries of the phase of development and to tie in to the pedestrian cycle links approved in the Masterplan for the whole settlement; and,
 - ix. 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.*

9. Development shall not begin until an application for approval of matters specified in conditions for works to the A7 and the B704 Cockpen Road have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i. Provision of a new standalone toucan crossing on the A7 to link with the school on the east side of the A7;
- ii. Reduction in the speed limit to 30mph along the A7, from Engine Road to Newtonloan Toll and the B704 Cockpen Road, from Newtonloan Toll to Povert Road;
- iii. Installation of pedestrian crossing facilities on the Newtonloan Toll signalised junction;
- iv. A new signalised pedestrian crossing located to the immediate east of the B704 Cockpen Road/Butlerfield Industrial Estate priority junction;
- v. A new signal controlled pedestrian crossing in the vicinity of the A7/Povert Road junction;
- vi. Two new vehicular access points on the A7 and onto Cockpen Road, including signage and lighting;
- vii. Details of the closure of the access road to Redheugh Farm and the bridge carrying Povert Road to all but pedestrian and cycle traffic and for local access for vehicles only; and ,
- viii. A programme for completion for the construction of access, roads, footpaths, cycle paths and crossings and for road closures and for the works to the signalised junction at Newtonloan Toll.

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.

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

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

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

11. Development shall not begin until an application for approval of matters specified in conditions for details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

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

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

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

Reason *In the interests of safeguarding bats and badgers*

14. Development shall not begin until an application for approval of matters specified in conditions for details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse or commercial unit.

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.*

15. No development shall commence on any phase of development beyond phase 1, prior to the construction of the new road and road bridge over the Borders Rail line connecting the A7 with the residential development to the west of the Borders Rail line. Phase 1 comprises the housing development hereby approved in principle and located between the A7 and the Borders Rail line. The maximum number of dwellinghouses on the first phase of development is 135, unless another maximum number of dwellinghouses on this first phase is agreed by a grant of planning permission or matters specified in conditions application.

Reason: *To ensure the new community is developed in a logical and cohesive manner that allows for vehicular access between housing to the east and north of the new settlement and between residential development and the school and community facilities. Povert road is unsuitable to serve any more than the initial phase of development and in the longer term is to be used for pedestrian and local access only.*

16. No overhead wires, cables or telecommunication masts shall be introduced onto the site without the prior written approval of the planning authority.

Reason: *To ensure that the appearance of the development is not spoiled by over-head power lines, wires and telecommunication masts in accordance with Policy UTIL2 of the Midlothian Local Plan.*

17. No construction, engineering or other works shall take place out with the hours of 8.00am to 7.00pm on Mondays to Fridays and 8.00am to 1.00pm on Saturdays unless otherwise agreed in writing by the planning authority.

Reason: *To minimise disturbance to nearby residential properties from noise, construction traffic and other pollution.*

18. All fixed plant / machinery noise shall comply with the following:-

Night time (22:00 – 08:00 hrs) - NR25 (internal, open window)
Day time (08:00 - 22:00 hrs) - NR30 (internal, open window)
All day Sunday - NR25 (internal, open window)

19. For commercial, industrial, leisure noise affecting residential use (existing or proposed), noise levels shall comply with BS 4142 - rating level less than +5dB above an agreed representative L_{A90}. External measurement set up shall be as per BS 4142.

Representative L_{A90} value and measurement locations shall be agreed in writing by the Planning Authority.

20. In relation to all environmental, commercial, leisure sources the internal noise level shall comply with the World Health Organisation Night Noise Guidelines for Europe 2009 - 42 dB L_{Amax} (fast) (internal) for the avoidance of sleep disturbance.
21. Midlothian Council design standards for residential use, in relation to anonymous noise sources are as follows and they shall be complied with on this site:

50 dB $L_{Aeq(1hr)}$ for daytime external garden amenity
35 dB $L_{Aeq(1hr)}$ for daytime internal living apartment
30 dB $L_{Aeq(5 mins)}$ for night time internal living apartment (excluding fixed plant controlled by NR25 or NR20 if tonal).

22. In terms of vibration from train movements, the vibration dose value in terms of BS 6472-1:2008 Guide to Evaluation of Human Exposure to Vibration in Buildings shall not exceed the low probability of adverse comment day and night-time values of 0.2 to 0.4 $m.s^{-1.75}$ and 0.1 to 0.2 $m.s^{-1.75}$ respectively. Measurement locations shall be submitted to and approved in writing by the planning authority.
23. Noise levels in relation to the new proposed primary school shall comply with Building Bulletin 93: Acoustic Design of Schools.
24. With regard to construction site operations the following noise levels shall be met 70 dB $L_{Aeq(12hr)}$ (façade), with BPM at all times in accordance with BS5228 guidance. During construction Best Practicable Means shall be utilised at all times in accordance with BS5228 guidance.
25. In relation to piling operations during construction, the following noise levels shall be met:

75 dB $L_{Aeq(1hr)}$ (façade)
80 dB $LA_{01}(1hr)$ (façade)

During Construction Best Practicable Means shall be utilised at all times in accordance with BS5228 guidance.

Reason for conditions 19 to 25: To prevent noise or vibration levels from adversely affecting the occupants of noise sensitive properties at the site.

(Action: Head of Communities and Economy).

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

There was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, discussed the proposed development in particular consideration was given to the type of infill materials that would be permitted and how this would be monitored, the ability of the local road network to accommodate the additional traffic movements, and restoration of the site. Support was also expressed for the proposed establishment of a local Community Liaison group.

Thereafter, the Committee agreed to continue consideration of the application to allow a site inspection visit to take place.

(Action: Head of Communities and Economy/Democratic Services).

3. Application for Planning Permission (15/00685/DPP) by Midlothian Council, c/o AHR Architects Ltd for the Erection of Primary School including the Formation of a MUGA and Sports Pitch; Formation of Car Parking and Associated Works at Land at Roslin Primary School, Pentland View Place, Roslin.

There was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application.

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

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

subject to the following conditions:

1. Notwithstanding that delineated on docketed drawings, development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting, including trees, shrubs, hedging, wildflowers and grass areas. The hedge planting shall include a

hedge planted along the south-eastern boundary of the site and the southern end of the north eastern boundary of the site over the length of the mutual boundary with the garden of the house at 38A Penicuik Road;

- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the new building being completed or brought into use whichever is the earlier. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details, watercourse diversions, flood prevention measures and SUDS (Sustainable Drainage Systems) to manage water runoff;
- viii proposed car park configuration and surfacing, including kerb details;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x details of existing and proposed services; water, gas, electric and telephone;
- xi details of the floodlighting system and any security lights to be installed within the site. The floodlights and security lights shall be designed and installed such that there is no direct illumination of any neighbouring residential property and the lamp design shall be such that the actual lamps and inner surface of the reflectors are not visible from neighbouring houses which have a garden boundary with the application site. In addition, the lighting shall be designed to minimise the spillage of light up into the sky. The floodlighting system shall be fitted with an automatic cut out to ensure that the system cannot operate after 9pm unless otherwise approved in writing by the Planning Authority. The design and construction of the lighting shall take account of the Guidance contained within the Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008;
- xii the locations and design of security/CCTV cameras and mounting poles;
- xiii details, including the location of all street furniture.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi).

Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

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

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

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

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

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

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

4. The soft landscaping of the site delineated on docketed drawings, including mounding is not approved.

Reason: The detailed landscape proposals for the site cannot be assessed until ground levels for all buildings, open space and roads in relation to a fixed datum and as require by condition 1, have been submitted for the prior approval of the planning authority.

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

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

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

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities), footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
- vii proposed car parking arrangements;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi the permeable paving and car park drainage system.

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

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

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

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

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

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

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

*SAPCA is The Sports and Play Construction Association
(www.sapca.org.uk)

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

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

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

11. 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.*

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

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

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

Before the new school building, new MUGA and new grass 7 aside kick about pitch are occupied/first come into use, the measures to

decontaminate/remediate the site shall be fully implemented as approved by the planning authority.

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

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

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

15. The grass 7 aside kick about pitch hereby approved shall not be available for use when the school is not open unless with then prior written approval of the Planning Authority.

Reason: *To safeguard the amenity of neighbouring residential properties as use of the grass pitch out with school hours has the potential to give rise to noise nuisance.*

(Action: Head of Communities and Economy)

Sederunt

With reference to paragraph 1 above Councillor Young, having declared a non-pecuniary interest in the following item of business, left the meeting at 3.15pm, taking no part in the discussion thereof.

4. Application for Planning Permission in Principle (15/00546/PPP) by Avant Homes, c/o John Handley Associates Ltd, Edinburgh for Residential Development on Land West of The Cottage, Hardengreen.

There was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee in discussing the proposed development considered the current policy position and if there were any material planning considerations which would justify a departure. The potential impact on the development of the site of the gas pipeline that crossed through the middle of it was also discussed.

Thereafter, the Committee agreed that planning permission in principle be refused for the following reasons:

1. The site is not allocated for housing and there does not exist a requirement for the proposed residential development in the Green Belt and countryside. Therefore the proposed development is unacceptable in principle, contrary to SESplan Policy 12 (Green Belts) and adopted Midlothian Local Plan Policies RP1 (Protection of the Countryside) and RP2 (Protection of the Green Belt).
2. The proposed development would result in the permanent loss of prime agricultural land. There is at this time no overriding justification for the development which outweighs the environmental or economic interests served by retaining the agricultural land in productive use. Thereby the proposed development is contrary to adopted Midlothian Local Plan Policy RP4 (Prime Agricultural Land).
3. The proposed residential development is not required to meet Midlothian's effective housing land supply and as such there is no overriding need to support residential development on an unallocated site outwith the development plan process.

(Action: Head of Communities and Economy).

Sederunt

Councillor Young rejoined the meeting at the conclusion of the foregoing item of business at 3.20pm.

5. Application for Planning Permission (15/00737/DPP) by Mr G Dean, East Kilbride for the Formation of hot food takeaway and installation of flue at 5 Staiside Court, Bonnyrigg.

There was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, discussed the potential impact of the proposed development and whether the proposals complied with development plan policies or if there were material planning considerations that indicated otherwise. It was noted that the representations and consultation responses received were material considerations. The loss of a unit for the approved Class uses and the impact on neighbouring properties, in particular the Lasswade High School where the Council operated a policy promoting healthy life styles and healthy eating, were also discussed.

After discussion, the Committee agreed that planning permission be refused for the following reasons:

1. The proposed development would result in the loss of a unit which has been approved and developed to be either a Class 1, 2 or 3 use (retail, financial, professional and other services and food and drink uses) in support of the existing neighbourhood centre and as such a reduction in the range and quality of these uses within the neighbourhood centre will undermine its vitality and viability contrary to Midlothian Local Plan policy DP7. The proposed use will also

undermine the implementation of Midlothian Local Plan policies SHOP6 and SHOP7 which supported the original grant of planning permission for Class 1, 2 and 3 uses, not a hot food takeaway sui generis use.

2. The proposed development's proximity to nearby residential properties will result in an unacceptable loss of amenity and detract from the existing character of the area and is therefore contrary to Midlothian Local Plan policies RP20 and DP7.
3. The proposed development's location in close proximity to the Lasswade High School is contrary to the Council's Corporate objectives of promoting healthy life styles and healthy eating at its schools. This is a significant material consideration which outweighs any planning argument to support the proposed development.

(Action: Head of Communities and Economy).

Sederunt

Councillor Milligan left the meeting at the conclusion of the foregoing item of business at 3.40pm.

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

There was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee agreed to continue consideration of the application to allow a site inspection visit to take place.

(Action: Head of Communities and Economy).